

**OTAY RANCH PRESERVE OWNER/MANAGER (POM)  
PRESERVE MANAGEMENT TEAM (PMT) MEETING**

1800 Maxwell Road, Lunch Room

Chula Vista, CA 91911

May 28, 2008

10:00am - noon

**AGENDA**

- I. Call to Order**
- II. Approval of POM PMT Meeting Minutes of March 7, 2008**
- III. Public Comment on items not related to Agenda**
- IV. Status Reports**
  - A. Projects** (*LeAnn Carmichael, Marisa Lundstedt*)
    - 1. County of San Diego**
      - a. Board Policy I-109 Otay Ranch Implementation Document Amendment - Adoption of Phase 2 RMP and Preserve Boundary Modifications (*initiated by the County of San Diego*)
      - b. Village 13 (*initiated by Otay Ranch Company*)
      - c. Wolf Canyon Vacation/Substitution (*initiated by Otay Ranch Company*)
    - 2. City of Chula Vista**
      - a. Championship Off-Road Racing (CORR) (*initiated by XR Promotions, LLC*)
      - b. Wolf Canyon Vacation/Substitution (*initiated by Otay Ranch Company*)
      - c. University Agreements
    - 3. County of San Diego and City of Chula Vista**
      - a. Eastern OVRP Trails Coordination
  - B. Preserve Status** (*Cheryl Goddard, Marisa Lundstedt*)
    - 1. Updates on Pending Conveyances**
- V. Policy Decision Issues** (*Maeve Hanley, Marisa Lundstedt*)
  - A. Future Infrastructure**
  - B. Non-Otay Ranch Project Mitigation Land Program**
- VI. Long-Term Implementation Program** (*Maeve Hanley, Marisa Lundstedt*)
- VII. Finance** (*Marisa Lundstedt*)
- VIII. Proposed Policy Committee Agenda for July 17, 2008** (*Maeve Hanley, Marisa Lundstedt*)
- IX. Next PMT Meeting**
  - A.** September 12<sup>th</sup> from 2:00-4:00pm. Location: County Administration Center, Tower 7
- X. Adjournment**

**DRAFT Minutes**  
**Otay Ranch POM Preserve Management Team Meeting**  
County Administration Center, Room 358  
1600 Pacific Highway  
San Diego, CA 92101

**March 7, 2008**  
2:00-4:00pm

**ATTENDEES:**

**City of Chula Vista**

Scott Tulloch, Assistant City Manager  
Jack Griffin, Director of General Services  
Marisa Lundstedt, Principal Planner  
Josie McNeeley, Associate Planner  
Merce LeClaire, Senior Management Analyst  
Tessa Quicho, Administrative Analyst  
Amy Partosan, Administrative Analyst

**County of San Diego**

Chandra Wallar, Deputy Chief Administrative Officer, Land Use & Env. Group  
Mark Mead, County Counsel  
Renée Bahl, Director, Department of Parks and Recreation (DPR)  
Maeve Hanley, Group Program Manager, DPR  
Cheryl Goddard, Land Use Environmental Planner, DPR  
Larry Duke, District Park Project Manager, DPR  
Tom Oberbauer, Chief, Department of Planning and Land Use (DPLU)  
Dahvia Lynch, Group Program Manager, DPLU

**Public**

Susan Wynn, U.S. Fish and Wildlife Service  
David Mayer, CA Department of Fish and Game  
Tom Tomlinson, McMillin  
Justin Craig, McMillin  
Ken Baumgartner, McMillin  
Rikki Schroeder, RMA  
Kim Kilkenny, Otay Ranch Company  
Rob Cameron, Otay Ranch Company  
Lindsey Cavallaro, EDAW  
Jim Carter, Environmental Land Solutions  
Kit Wilson, Environmental Land Solutions

**ATTACHMENT A – Meeting Sign-in Sheet**

Agenda Item Numbers noted in parentheses

**1. Call to Order**

**(I.)** Meeting called to order at 2:12 p.m. by County of San Diego/CHANDRA WALLAR

**2. Approval of Preserve Management Team (PMT) Meeting Minutes of January 9, 2008**

**(II.)** City of Chula Vista/SCOTT TULLOCH motioned to approve the meeting minutes. Motion seconded by WALLAR. Motion carried.

**3. Public Comment on items not related to Agenda**

**(III.)** WALLAR opened and closed with no comment.

**4. Status Report**

**(IV.A.1)** County of San Diego/DAHVIA LYNCH reported on Board Policy I-109 Otay Ranch Implementation Document Amendment (*initiated by the County of San Diego*) - Adoption of Phase 2 RMP and Preserve Boundary Modifications. LYNCH stated that County is in the process of updating Phase 2 RMP and anticipates bringing this forward to the County Planning Commission in August and the Board of Supervisors for their consideration in September. The update is a clean up effort and will also bring consistency to the City and County Otay Ranch Preserve boundary.

**(IV.A.2)** City of Chula Vista/MARISA LUNDSTEDT provided an update on the 2008-2009 CORR application. The City is currently working with the Applicant on the project description. The Notice of Intent was released for a 10-day public review period, February 15<sup>th</sup> – 25<sup>th</sup>. One comment letter, from the County, was received. The Applicant is currently completing technical studies to support their environmental document. The project will be presented to the Otay Valley Regional Park (OVRP) Citizens' Advisory Committee (CAC) in the next few weeks. An OVRP Subcommittee reviewing the CORR application will make its recommendation to the OVRP Policy Committee in April.

WALLAR asked if it was more appropriate to analyze the 2008-2009 CORR application and the 10-year CORR permit as one project.

LUNDSTEDT stated that the 2008-2009 CORR application has a narrower scope of work. The 10-year CORR application permit proposes more uses other than CORR races. The City intentionally asked the applicants to keep the 2008-2009 CORR temporary use application narrow so that they would not be piecemealing the project per CEQA.

WALLAR stated that the County looks forward to reviewing the full response to comments on the County's 2008-2009 CORR Notice of Intent comment letter.

**(IV.A.3a)** LYNCH reported on the Wolf Canyon Vacation/Substitution. LYNCH stated that the County and the City are currently processing IOD Vacation

applications for IODs acknowledged by the POM. The IOD is to be vacated and substitution land in the same vicinity it to be offered for conveyance. The project is currently on hold as resolution is reached on IOD language.

**(IV.A.3b)** CITY OF CHULA VISTA/JOSIE MCNEELEY reported on the OVRP Trails Coordination occurring in eastern OVRP. MCNEELEY stated that JPB has submitted a trails package. OVRP staff is continuing to review the package for consistency with adopted documents. Preserve Owner Manager (POM) and Multiple Species Conservation Program (MSCP) staff have been asked to be involved in the review of the trails package. OVRP staff anticipates meeting with JPB to discuss comments at the end of March/early April.

**(IV.B)** County of San Diego/CHERYL GODDARD presented the Preserve status. GODDARD stated that not much has changed in Preserve status since PMT last met in January. POM Staff included a Preserve Status Map and Matrix in the handout packets. The matrix provides details on each property within the Preserve that has had POM action. Details on each of the property include, who conveyed the land, the recorded document number, when the document was recorded, a visual to the location of the property, the acreage, the purpose of the conveyance, and any additional relevant notes on the property. One change that has occurred since the last PMT meeting is that POM Staff is currently working with McMillin Companies to transfer in fee title, 229 acres, within the San Ysidro parcel. Additionally, POM Staff is continuing to work with Otay Project to accept, in fee title, lands totaling 524 acres within the Proctor Valley and San Ysidro parcels. The POM anticipates accepting approximately 800 acres by this summer.

GODDARD stated there are no changes on pending conveyances with outstanding issues. Outstanding issues include, Village 13 Preserve/Development footprint changes for IODs located north of Village 13; future infrastructure language for IODs located in Wolf Canyon and Salt Creek; and small acreage with Wildlife Agency restoration requirements for properties within Wolf Canyon.

GODDARD stated that proposed IOD/Open Space Easement vacations and replacements are still in process. LYNCH reported on the Wolf Canyon IOD Vacation/Replacement earlier in the presentation and the Open Space Easement Vacation in eastern Village 13 is currently being processed with the Village 13 Resort application.

GODDARD stated that 44% of the Preserve has been conveyed, acquired, purchased for mitigation or has been committed to the preserve per an acquired IOD. Approximately 1,300 acres is currently being managed by the POM. POM Staff anticipates the POM to accept an additional 800 acres by this summer, totaling approximately 2,100 acres to be managed by the POM

within the next few months. The status of the Preserve is in step with development as 42% of Otay Ranch has been developed or the development bubble purchased by a third party.

**5. Non-Otay Ranch Project Mitigation Program**

(V.) County of San Diego/MAEVE HANLEY stated that the proposed Non-Otay Ranch Project Mitigation Program Eligibility and Review criteria had been discussed at the last PMT and Policy Committee meetings. Public comments on the Program have been received from the Wildlife Agencies on February 29<sup>th</sup> and from McMillin Companies on March 6<sup>th</sup>. POM Staff recommendation is to Direct POM Staff to receive written comment on the Non-Otay Ranch Project Mitigation Land Program for 45-days – until April 21<sup>st</sup> to ensure that all comments on the Program have been received. POM Staff also recommends the PMT to direct POM Staff to review and analyze comments and bring forward a recommendation to the next PMT meeting.

TULLOCH stated that the City has had internal discussions on this Program and would like to share new ideas with the County. After the City and the County have an opportunity to discuss and coordinate, POM Staff can release the new ideas to the public.

TULLOCH requested that public comments be posted on a website. Making comment letter public may spark additional comments.

WALLAR agreed.

HANLEY stated that the County would post comments on the Non-Otay Ranch Project Mitigation Program on the County's POM website.

WALLAR asked for a motion on POM Staff's recommendation with the addition that POM Staff post all public comments received on the Program.

TULLOCH motioned to approve the two staff recommendations plus the City's recommendation. Motion seconded by WALLAR. Motion carried.

**6. Long-Term Implementation Program**

(VI.) HANLEY stated that the Long-Term Implementation Program public review period ended on February 20<sup>th</sup>. Comments were received from the Bureau of Land Management, San Diego County Archaeological Society, McMillin Companies, and the Otay Ranch Company. Comments from the Wildlife Agencies were received prior to the PMT meeting.

SUSAN WYNN asked if those who sent in comments will receive a response to comment request.

HANLEY stated that POM Staff will be updating the document per comments received and that the updated document will be provided in strikeout/underline format. Additionally, those who submitted comments may request a meeting with POM Staff to discuss their comments.

RIKKI SCHROEDER asked what the timeline is for the Long-Term Implementation Program.

HANLEY stated approximately two months. The County and the City will coordinate to respond to comments.

**7. Finance/CFD 97-2 Overview**

**(VII.)** City of Chula Vista/TESSA QUICHO stated that the City provided a CFD 97-2 Overview to POM Staff on March 4<sup>th</sup>. Questions from the Policy Committee regarding maximum tax rates have been addressed. There is a different maximum tax rate formula for each annexation based on it's Rate and Method of Apportionment (RMA) In Fiscal Year 07/08, the actual special tax levy was \$382,623. The maximum special tax was \$503,040.

For Improvement Areas A, B, and C, the following Actual and Maximum special taxes applied for FY 07/08:

**Improvement Area A:**

<u>Category</u>	<u>Actual</u>	<u>Maximum</u>
Residential (I)	\$0.01238/sf	\$.0162/sf
Non-residential (I)	\$202.01/acre	\$264.34/acre
Final Map (II)	\$0.00/acre	\$264.34/acre
Vacant (III)	\$0.00/acre	\$170.60/acre

**Improvement Area B:**

<u>Category</u>	<u>Actual</u>	<u>Maximum</u>
Residential (I)	\$0.005/sf	\$.0063/sf
Non-residential (I)	\$78.07/acre	\$102.16/acre
Final Map (II)	\$0.00/acre	\$102.16/acre
Vacant (III)	\$0.00/acre	\$65.93/acre

**Improvement Area C:**

<u>Category</u>	<u>Actual</u>	<u>Maximum</u>
Residential (I)	\$0.0168/sf	\$0.0168/sf
Non-residential (I)	\$270.71/acre	\$270.71/acre
Final Map (II)	\$270.71/acre	\$270.71/acre
Vacant (III)	\$133.76/acre	\$174.71/acre

QUICHO reported that current year beginning reserves is at \$284,045. This is a healthy reserve as it is at 95% of the projected budget. CFD 97-2 Reserves is modeled after the City's Open Space District's policy of collecting

a reserve minimum of 50% or maximum of 100% of projected budget. There are currently 9,536 taxable parcels for FY 07/08. A rough calculation of per acre management cost for POM managed lands is shown as an outcome of the current total budget divided by current acres conveyed. For FY 07/08, it is \$231.94/acre. It should be noted that \$231.94/acre does not have an effect on what will be levied for next year.

LUNDSTEDT stated that the \$231.94/acre management cost for POM managed land is inaccurate as last year's budget projected that more lands would have been accepted by the POM for FY 07/08. The actual per acre management cost should be less than \$231.94/acre. The budget is built to have surveys complete including transect set-ups and GPS locations.

WALLAR asked if this meant one-time costs have been included in the budget.

LUNDSTEDT stated yes.

SCHROEDER asked what is actually being completed in the Preserve for \$300,000.

County of San Diego/RENÉE BAHL referred to County District Park Manager, Larry Duke, to respond to what actions are currently being completed in the Preserve.

SCHROEDER asked if Larry Duke could discuss the budget breakdown.

City of Chula Vista/JACK GRIFFIN provided a budget breakdown.

HANLEY stated that his budget breakdown was approved by the Policy Committee for FY 07/08 and includes staff time.

WYNN asked if money in the budget could be used on lands "in limbo".

LUNDSTEDT stated that POM Staff refer to lands "in limbo" as those pending conveyances. Management by the POM starts when the POM accepts the land. Until the POM accepts the land, it is the owner's responsibility to manage the land per the RMP.

KIM KILKENNY stated that it is not fair to figure the per acre management cost by dividing the total budget by POM accepted land. The POM is responsible for both managing accepted land but also monitoring the entire Preserve, all 11,375 acres.

WALLAR asked that POM Staff look into the RMP to see if POM is responsible for managing and monitoring the entire Preserve land, not just those accepted by the POM.

LUNDSTEDT stated KILKENNY is correct.

WYNN asked if CFD 97-2 funds could be used to manage and monitor the entire Preserve.

WALLAR directed POM Staff to complete research on which lands the POM is responsible for managing and monitoring.

KILKENNY suggested that POM Staff hold a working group meeting with the public and the Wildlife Agencies to discuss POM responsibilities.

WALLAR agreed and directed POM Staff to hold a working group meeting with the public and the Wildlife Agencies prior to the next PMT meeting.

LUNDSTEDT clarified that CFD 97-2 funds can only be spent on lands under public ownership.

WYNN asked if funds could be used on lands not currently accepted by the POM.

LUNDSTEDT stated no.

WALLAR stated that she has directed POM staff to complete research on that question.

WYNN stated the next PMT meeting is in the end of May, after Spring season. Are there any Spring surveys being completed this year? At what standard – RMP or MSCP?

HANLEY stated that surveys will be completed for land currently being managed by the POM. This includes surveys on focus species. HANLEY offered to forward the Scope of Work for the surveys to the Wildlife Agencies.

WYNN stated that she would like a copy of the Scope of Work. This is important as the Transnet funding has been released. It would be beneficial to meet to discuss what management and monitoring activities are currently being conducted in the Preserve. POM Staff should meet with the Wildlife Agencies before the next PMT meeting.

WALLAR stated that POM Staff can meet with the Wildlife Agencies but it will not change this year's Scope of Work. The meeting would be informational only.

SCHROEDER asked when the Working Group meeting will be scheduled. SCHROEDER also asked why the Preserve Status Map and Matrix showed 3,250 acres as being dedicated to the Preserve.



GODDARD stated that the Preserve Status Map and Matrix show areas dedicated to the Preserve as those that have been conveyed to the POM, purchased by third parties, or purchased as mitigation land for non-Otay Ranch projects.

SCHROEDER asked when the Working Group meeting will be scheduled.

BAHL asked if the Working Group is to discuss the Preserve budget.

SCHROEDER stated it should focus on budget breakdown.

WALLAR stated that POM Staff will set up the Working Group meeting.

DAVID MAYER asked if the budget includes enforcement and patrol as a part of the management and monitoring breakdown.

County of San Diego/LARRY DUKE stated yes. A Site Supervisor is located at Otay Lakes County Park. County Rangers cannot issue tickets but we have a close relationship with the Sheriff's Department.

WYNN stated that most of the Off-Highway Vehicle problems in the Preserve is in the Proctor Valley area.

HANLEY stated that CFD 97-2 funds cannot be used on lands not owned by a public agency.

**8. Proposed Policy Committee Agenda for April 30, 2008**

**(VIII.)** HANLEY stated that the proposed Policy Committee Agenda for April 30<sup>th</sup> is included in the handout packet. The agenda mirrors today's PMT agenda.

TULLOCH motioned to approve the Policy Committee Agenda for April 30<sup>th</sup>. Motion seconded by WALLAR. Motion carried.

**9. Proposed 2008 POM Meeting Schedule**

**(IX.)** HANLEY stated that the next POM Meetings are scheduled as follows:

**PMT Meetings**

- **May 28<sup>th</sup>:** 10-noon, Chula Vista, Public Works Lunch Room
- **Sept. 12<sup>th</sup>:** 2-4pm, County Administration Center, Tower 7
- **Dec. 10<sup>th</sup>:** 2-4pm, Chula Vista, Public Works Lunch Room

**Policy Committee Meetings:**

- **April 30<sup>th</sup>:** 2-5pm, County Administration Center, Tower 7
- **July 17<sup>th</sup>:** 2-5pm, Chula Vista, Public Works Lunch Room
- **October 30<sup>th</sup>:** 2-5pm, County Administration Center, Tower 7

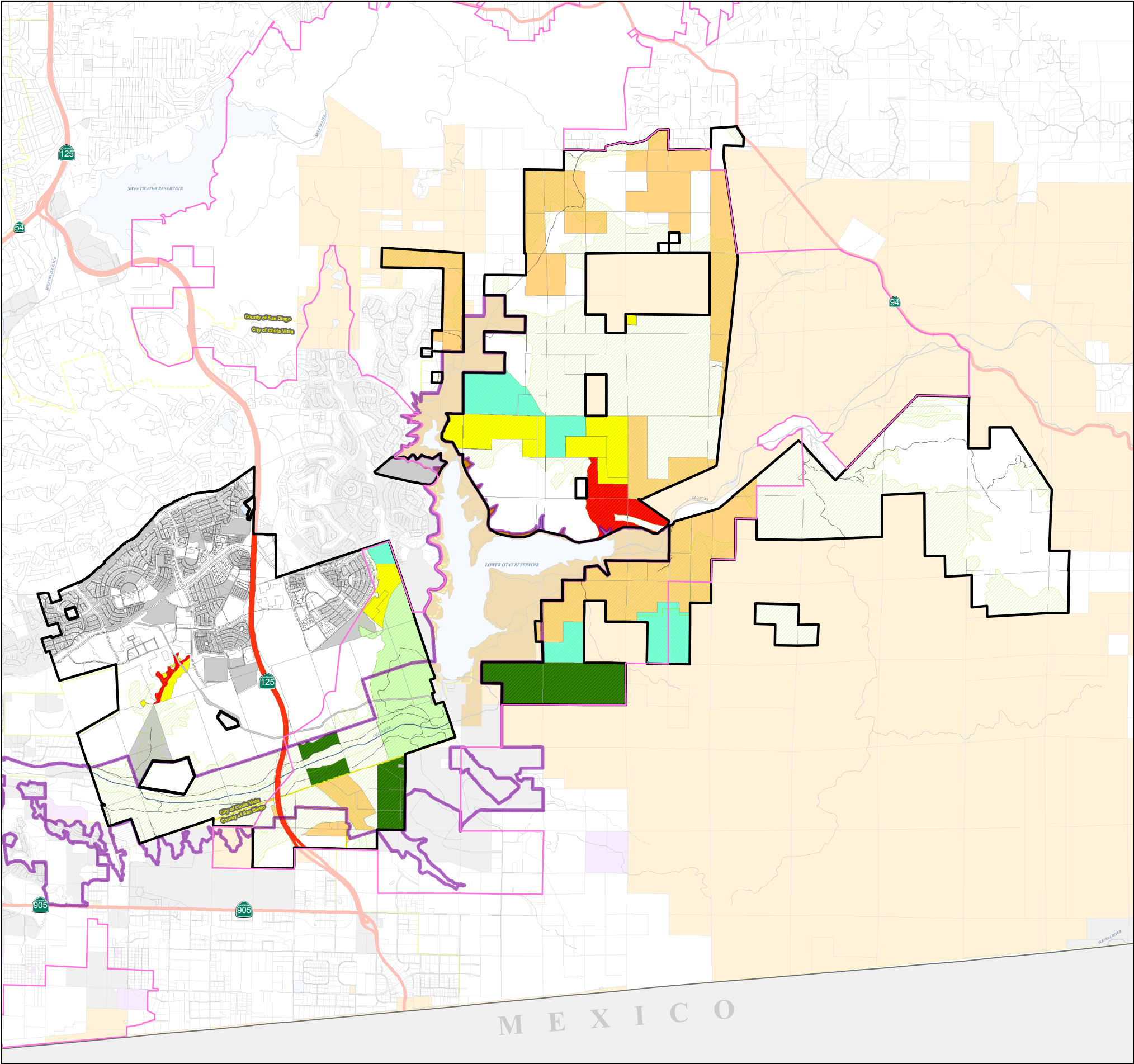
**10. Adjournment**

**(X.)** WALLAR asked if there were any additional questions/comments. No additional questions/comments were made. TULLOCH motioned to adjourn. Motion seconded by WALLAR. Motion carried and meeting was adjourned at 2:50pm.

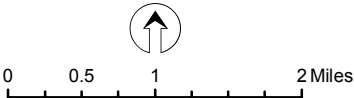
ATTACHMENT A

MEETING SIGN-IN SHEET			
<b>Project:</b> Otay Ranch Preserve Owner/Manager (POM) Preserve Management Team Meeting		<b>Meeting Date/Time:</b> March 7, 2008, 2:00 - 4:00 pm	
<b>Place/Room:</b> County Administration Center, Room 358 1600 Pacific Highway, San Diego, CA 92101			
Name	Organization	Phone	E-Mail
MAEVE HANLEY	COSD/OPR	(8) 966-1371	maeve.hanley@sdcounty.ca.gov
CHERYL GODDARD	"	(8) 966-1374	cheryl.goddard@sdcounty.ca.gov
LARRY DUKE	"	(8) 966-1363	larry.duke@sdcounty.ca.gov
Jack Griffin	Chula Vista	1 619 397-6003	jgiffin@ci.chula-vista.us
Rikki Schuonke	RAA	(760) 741-7462	rikkimac315u@sbcglobal.net
Merce Leclair	Chula Vista	619-397-6070	mlaclair@ci.chula-vista.us
Amy Portasan	Chula Vista		aportasan@ci.chula-vista.us
Susan Wynn	FWS	760 431-9440	Susan.Wynn@fws.gov
DAVID MAYER	CDFG	858-467-4234	dmayer@dfg.ca.gov
Lindsay Cavallaro	EDAW	609-233-1454	Lindsey.Cavallaro@edaw.com
Kim Tukemuy	ORE	619 234 4050	Kim@otayranch.ca.gov
Ken McCullin	McMillin	619-794-1210	Ken@McMillin.com
Tom O'Connell	County SD MFP	858 694-3701	Thomas.O'Connell@sdcounty.ca.gov
Tam Tan Lian	McMillin	619 794-1304	tanlian@mcmillin.com
KIT WILSON	ENVIRONMENTAL LAND SOLUTIONS	760 703 3343	MITIGATION LAND @GMAIL.COM
Jim CARTER	ENV. LAND SOLUTIONS	760.942.2397	Jim CARTER @ ROAD RUNNER . com
Marisa Lundstedt	Chula Vista		
Josie McNeelley	"		
Gret Tillach	"		
Tessa Quicho	Chula Vista		
Chandra Vallar	COSD		
Renée Bahl	"		
Dahma Lynch	"		
Mark Mead	"		
Justin Craig	McMillin		
Rob Cameron	ORE		

OTAY RANCH  
Preserve Status



- Otay Ranch Development Boundary
- Otay Ranch Preserve
- National Wildlife Refuge (USFW)
- Municipal Boundaries
- Otay Valley Regional Park Study Area Boundary
- Accepted IOD - Dedicated Open Space Easement
- City of Chula Vista Owned Land - Open Space
- County Acquired Land - Open Space
- Pending IODs
- Pending IODs with Outstanding Issues
- Proposed IOD / Open Space Easement Vacations
- City of San Diego - Open Space
- Environmental Trust Lands
- Public Lands - Open Space
- Public Land - Not Open Space
- Privately Owned Property
- Highway
- Surface Street
- Lakes
- Perennial Watercourse
- Intermittent Stream



THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Copyright SanGIS. All Rights Reserved. This product may contain information from SANDAG Regional Information System which cannot be reproduced without the written permission of SANDAG. This product may contain information which has been reproduced with permission granted by Thomas Brothers Maps, LLC. All Rights Reserved.

Projection: State Plane, Zone VI, NAD 83, Feet. S:\DPRShared\Administration\GIS\secured\projects\07\07\_10\_Otay\_Ranch\_Preserve\_Status\_public\_11x17.mxd  
County of San Diego, Dept. of Parks and Recreation, K. Marlow, Last Updated 2/08.





**PROPOSED CONVEYANCE (TITLE DEED OR IOD) LANGUAGE  
Future Infrastructure Easements – County Staff Recommendation**

To be heard at the May 28, 2008 PMT Meeting

**RECOMMENDATION:**

County POM staff recommends that siting of future infrastructure, i.e. not existing or described, as a “Planned Facility” in the Chula Vista MSCP (Attachment A) should be processed on a case-by-case basis. Conveyance documents (title deed or IOD) shall not reference the siting of future infrastructure. If there is a proposal to site infrastructure within preserve areas, the person/entity seeking such approval shall request it from the Otay Ranch Preserve Owner Manager (POM), who is granted the authority to allow such siting when deemed appropriate.

**BACKGROUND:**

To comply with the Otay Ranch Resource Management Plan RMP Phases 1 and 2 conveyance plan requirements, IODs and fee title to various properties have been offered to the City of Chula Vista and County of San Diego for dedication of preserve land. Some of these IODs have included language reserving easements for the siting of infrastructure (Attachment B).

**RELEVANT PLANS AND POLICIES:**

***Resource Management Plan***

RMP Phase 1, Policy 6.6 for the Otay Ranch Preserve (Preserve) states that infrastructure facilities may be located within the Preserve as long as the infrastructure meets outlined criteria. As defined in the RMP, “*infrastructure facility*” is defined as a road, sewage, water, reclaimed water, or urban runoff facility. An excerpt from the RMP Phase I stating this policy is attached as Attachment C. The figures mentioned in the excerpt depict the potential locations of roads, sewage, water, reclaimed water, and urban runoff facilities. These figures were updated during the preparation of RMP Phase 2. The updated figures showing the conceptual locations of infrastructure are attached as Exhibits 1- 5 in Attachment C.

***County of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan***

The County of San Diego MSCP Subarea Plan, Section 3.3.3.8 included the RMP Phase I infrastructure plan by reference and is therefore consistent with the RMP.

***City of Chula Vista MSCP Subarea Plan***

The Chula Vista MSCP Subarea Plan also considered roads and infrastructure a conditionally compatible use within the preserve. The Chula Vista MSCP Subarea Plan separated the infrastructure into two categories, Planned Facilities and Future Facilities. Planned Facilities are those that have been specifically identified by the City to serve development approved by the City and are specified in Table 6-1 (Attachment A). The Chula Vista MSCP Subarea Plan outlined specific criteria to allow future infrastructure facilities as well. These criteria are listed in Attachment D. The locations of the infrastructure facilities were further refined from those described in the RMP. Since the locations of infrastructure described and depicted in the RMP Phase 2 were conceptual, these refinements were anticipated.

**STAFF POSITION:**

- The type of infrastructure and location within the Preserve will vary and should be processed on a case-by-case basis:
  - If POM Staff determines the infrastructure facility meets POM approved siting criteria, the POM will approve the siting location; or
  - If POM Staff is unable to make a staff level determination, the Preserve Management Team will evaluate the siting of the proposed easement and direct staff to approve the siting location; or
  - If POM Preserve Management Team is unable to make a determination, they will bring the issue to the POM Policy Committee for consideration.
  - If the POM Policy Committee has a split vote on the item, the action to approve the siting location does not pass.
- The first conveyance documents, IODs, accepted by the POM had no reservations for the siting of future infrastructure.
- The POM, as the ultimate fee title holder, should have approval rights on the siting of the any future infrastructure not contemplated in Phase 1 and 2 RMP, County MSCP, or City MSCP.

**ATTACHMENT A  
City of Chula Vista MSCP Infrastructure Facilities**

**Table 6-1: Planned Facilities**

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Otay Lakes Road	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the:               <ol style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ol> </li> <li>• Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment.</li> <li>• If Otay Lakes Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.</li> </ul>
Proctor Valley Road	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the:               <ol style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ol> </li> <li>• Siting of this facility is subject to the Rolling Hills Ranch SPA Plan and Tentative Map, which allow realignment of the City/County segment.</li> <li>• Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment.</li> <li>• If Proctor Valley Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.</li> </ul>
Otay Valley Road (will become Main Street)	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the:               <ol style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ol> </li> <li>• Take Authorization Otay Valley Road (which will be renamed “Main Street”) will be extended easterly to connect to Rock Mountain Road.</li> <li>• That portion of the Otay Valley Road originally designed to continue easterly from Rock Mountain Road to SR 125 will be subject to further evaluation, and separate Take Authorization. Take Authorization for that portion is not provided through this Subarea Plan. The City will evaluate the potential to relocate that portion of the facility outside the Preserve and/or remove that portion of the facility. If the City determines, after full evaluation, that all or (a) portion(s) of the road may be eliminated from the Preserve, the City will amend the Otay Ranch GDP accordingly and/or incorporate such design changes into the final design of the facility, as appropriate.</li> </ul>
La Media Road	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the:               <ol style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ol> </li> <li>• Take Authorization for the portions of this facility located outside the City will be pursuant to the City of San Diego or County of San Diego Subarea Plans.</li> </ul>

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
La Media Road (continued)	<ul style="list-style-type: none"> <li>• The data developed and analysis completed related to La Media Road as part of the SR 125 corridor study will be considered during siting analysis and CEQA review, as appropriate.</li> <li>• La Media Road will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. In addition, the City commits to work jointly with the Wildlife Agencies during CEQA review for the project to identify an alignment of the road which results in the least adverse impact to sensitive resources feasible. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.</li> <li>• Although the siting of La Media Road has not yet been finalized:             <ol style="list-style-type: none"> <li>a. The Wildlife Agencies have reviewed the tentative alignment and have concluded that if impacts to covered Narrow endemic Species cannot be avoided as a result of the final alignment La Media Road, the City may purchase one acre of expanded Otay Ranch Tarplant Preserve land on the San Miguel Ranch; and</li> <li>b. The Wildlife Agencies concur that purchase of said property for inclusion into the San Miguel Ranch Otay Tarplant Preserve or other equivalent Otay tarplant Preserve land acceptable to the Wildlife Agencies will constitute equivalency for impacts to Narrow Endemic Species resulting from the final alignment of La Media Road.</li> </ol> <p>Alternatively, the City may mitigate potential impacts pursuant to Section 5.2.3 of this Subarea Plan.</p> </li> </ul>
Paseo Ranchero	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the:             <ol style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ol> </li> <li>• Paseo Ranchero will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.</li> </ul>
Alta Road	<ul style="list-style-type: none"> <li>• Take Authorization for Alta Road is not provided through this Subarea Plan. Alta Road will be subject to a separate permitting process for receiving Take Authorization.</li> </ul>
Rock Mountain Road	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the:             <ol style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ol> </li> </ul>
Mount Miguel Road	<ul style="list-style-type: none"> <li>• Mount Miguel Road will be subject to the conditions of the San Miguel Ranch MSCP Annexation Agreement described in Section 7.5.6.4 of this Subarea Plan.</li> </ul>
Rolling Hills Ranch; (Two-lane road)	<ul style="list-style-type: none"> <li>• The two-lane road in Rolling Hills Ranch connecting Neighborhoods 9 through 12 are provided Take Authority pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch as discussed in this Plan and specifically cited in Section 7.5.6.3.</li> </ul>
Rolling Hills Ranch Road to Future 1296 Reservoir	<ul style="list-style-type: none"> <li>• This facility will be subject to mitigation pursuant to agreement between the OWD and the Wildlife Agencies.</li> </ul>



FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Rolling Hills Ranch / Bella Lago roadway connections	<ul style="list-style-type: none"> <li>Two road connections from Rolling Hills Ranch to Bella Lago are provided Take Authorization pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch and Bella Lago as discussed in this Plan and specifically cited in Sections 7.5.6.3 and 7.5.6.5.</li> </ul>
Southern Trolley Line	<ul style="list-style-type: none"> <li>Take Authorization for the southern trolley line is not provided through this Subarea Plan. The southern trolley line will be subject to a separate permitting process for receiving Take Authorization.</li> </ul>
Salt Creek Interceptor, Wolf Canyon Sewer and Otay Valley Trunk Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> <li>Siting of these sewer facilities is subject to the:               <ol style="list-style-type: none"> <li>Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ol> </li> <li>BMPs will be used to design and maintain these facilities.</li> <li>Sewer lines will be sited to avoid mitigation sites created as mitigation for other projects.</li> <li>Maintenance access roads related to these sewer facilities will be sited to avoid to the maximum extent practicable impacts to Covered Species and habitats, including covered Narrow Endemic Species, pursuant to the Facilities Siting Criteria in Section 6.3.3.4 of this Subarea Plan.</li> <li>Through Salt Creek where new maintenance access roads must be developed, road widths will be limited to 12 feet, within a 20-foot disturbance corridor. Through the Otay River Valley where existing unpaved roads will be utilized, road widths will be limited to 20 feet. Maintenance access roads will be constructed as follows:               <ol style="list-style-type: none"> <li>Access roads will be constructed of concrete-treated base (CTB) material with aggregate rock to minimize frequency of maintenance.</li> <li>Where access roads exceed a 5% grade, concrete or asphalt may be permitted to ensure maintenance vehicle traction.</li> <li>Where cross-drainage occurs, concrete aprons may be permitted to minimize erosion.</li> <li>Appropriately sized concrete brow ditches on the uphill edge of access roads may be permitted to minimize erosion.</li> </ol> </li> <li>Temporary impacts related to these sewer facilities will be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan.</li> <li>Public access to finger canyons associated with the primary canyons involving these facilities will be limited, pursuant to the Otay River Valley Framework Management Plan, Section 7.6.3 of this Subarea Plan.</li> </ul>
Poggi Canyon Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> <li>The Poggi Canyon sewer is under construction. The facilities located within the Sunbow II project that traverse the Preserve are subject to the Project Specific Management Requirements for Sunbow identified in Section 7.5.6.1 of this Subarea Plan.</li> </ul>
Otay River Valley Equestrian Staging Areas (located in the active recreation area(s))	<ul style="list-style-type: none"> <li>The equestrian staging areas will be subject to the Otay Ranch RMP Phase 1, Policies 6.2 and 6.3 (Appendix D).</li> <li>Equestrian staging areas in the Otay River Valley must be sited within the active recreation areas.</li> <li>A brown-headed cowbird trapping program for these equestrian staging areas will be established and implemented as part of the area-specific management directives for the Otay River Valley.</li> </ul>

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
<p>Trails designated in the OVRP Concept Plan</p> <p>Otay River Valley Interpretive Centers (located in the active recreation area(s))</p>	<ul style="list-style-type: none"><li>• The trails designated in the OVRP Concept Plan are authorized for Take pursuant to this Subarea Plan, subject to the provisions of the City Planning Component Framework Management Plan, Section 7.5, the Public Access, Trails and Recreation guidelines, Section 7.5.3, and the Otay River Valley Framework Management Plan, Section 7.6.3.</li><li>• The Otay River Valley interpretive centers are authorized for Take pursuant to this Subarea Plan, subject to the Otay Ranch and 6.3 (Appendix D).</li><li>• Interpretive centers in the Otay River Valley must be sited within the active recreation areas.</li></ul>

**ATTACHMENT B  
IOD Easement Language received in 2006**

RESERVING UNTO GRANTOR, its successors and assigns, together with the right to grant and transfer same, an easement for sewer, water and/or drainage pipelines and facilities necessary to serve adjacent development as required by the City of Chula Vista. Such sewer, water and/or drainage pipelines shall be sited in locations defined and approved by the City of Chula Vista consistent with the provisions of the City of Chula Vista MSCP Sub Area Plan. This easement includes the right, but not the obligation, to construct, install, maintain, repair and reconstruct such infrastructure, and an easement for ingress and egress over the property conveyed hereby to the extent reasonably necessary to hook into such lines and facilities and to effect any such construction, installation, maintenance, repair, or reconstruction. This easement, when conveyed and transferred by Grantor, shall be appurtenant to any real property owned by Grantor that is designated in the instrument by which any such easement is conveyed by Grantor as all or a portion of the real property to which such easement is appurtenant. Grantor shall repair, at its own expense, any damage to the real property described herein arising from the exercise of the easement rights reserved hereby. Grantor's rights hereunder shall be subject to all applicable ordinances and requirements of the City of Chula Vista concerning the real property described herein, and the exercise of the easement rights described herein, including without limitation the Chula Vista Habitat Loss and Incidental Take Permit ordinances.

ATTACHMENT C  
Excerpt from the RMP Phase I

**Policy 6.6**

Infrastructure may be allowed within the Preserve; conceptual locations of infrastructure facilities located within or crossing the Preserve are illustrated in Figures 14-18 (final infrastructure plans may deviate from the conceptual locations shown as long as Preserve resources are not adversely affected).

**Standard:** Develop a general infrastructure plan in conjunction with the first SPA of the Phase 2 RMP that provides standards and criteria to guide specific infrastructure siting and design during the phased buildout of Otay Ranch.

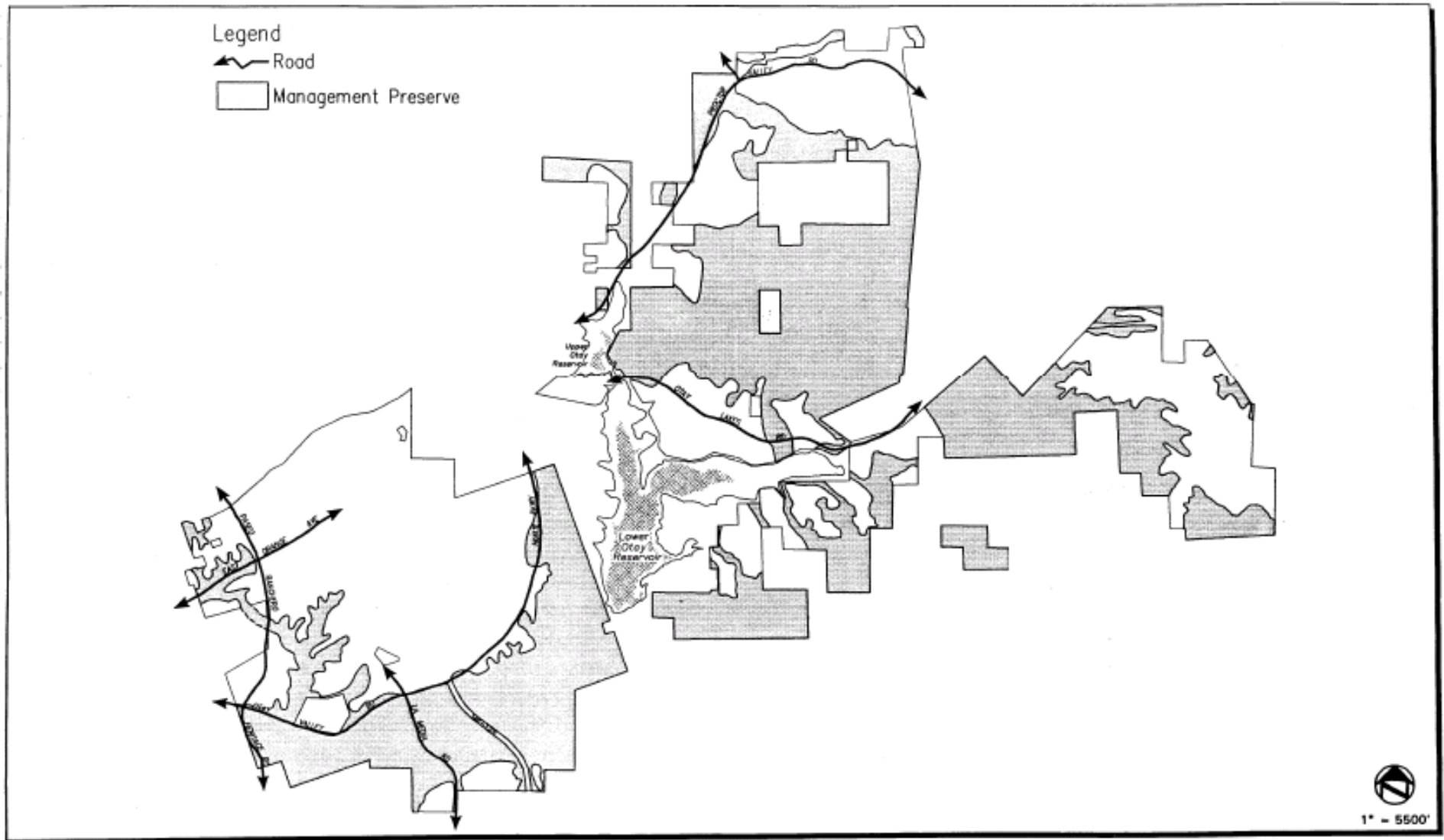
**Guidelines:**

- 1) Infrastructure facilities shall be sited and designed to minimize visual and other impacts to Preserve resources.
- 2) Infrastructure plans and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager.
- 3) CEQA mitigation requirements for impacts associated with infrastructure shall be reviewed by the appropriate jurisdictions and the Preserve Owner/Manager if such improvements are located within the Preserve.
- 4) When feasible, place infrastructure in roadways or outside the Preserve.
- 5) Mitigation measures for facilities shall conform to restoration/mitigation proposals of the RMP.

**Policy 6.7**

Fire roads shall be permitted within the Preserve only where absolutely necessary to assure public safety and control wildfires that may damage biological resources.

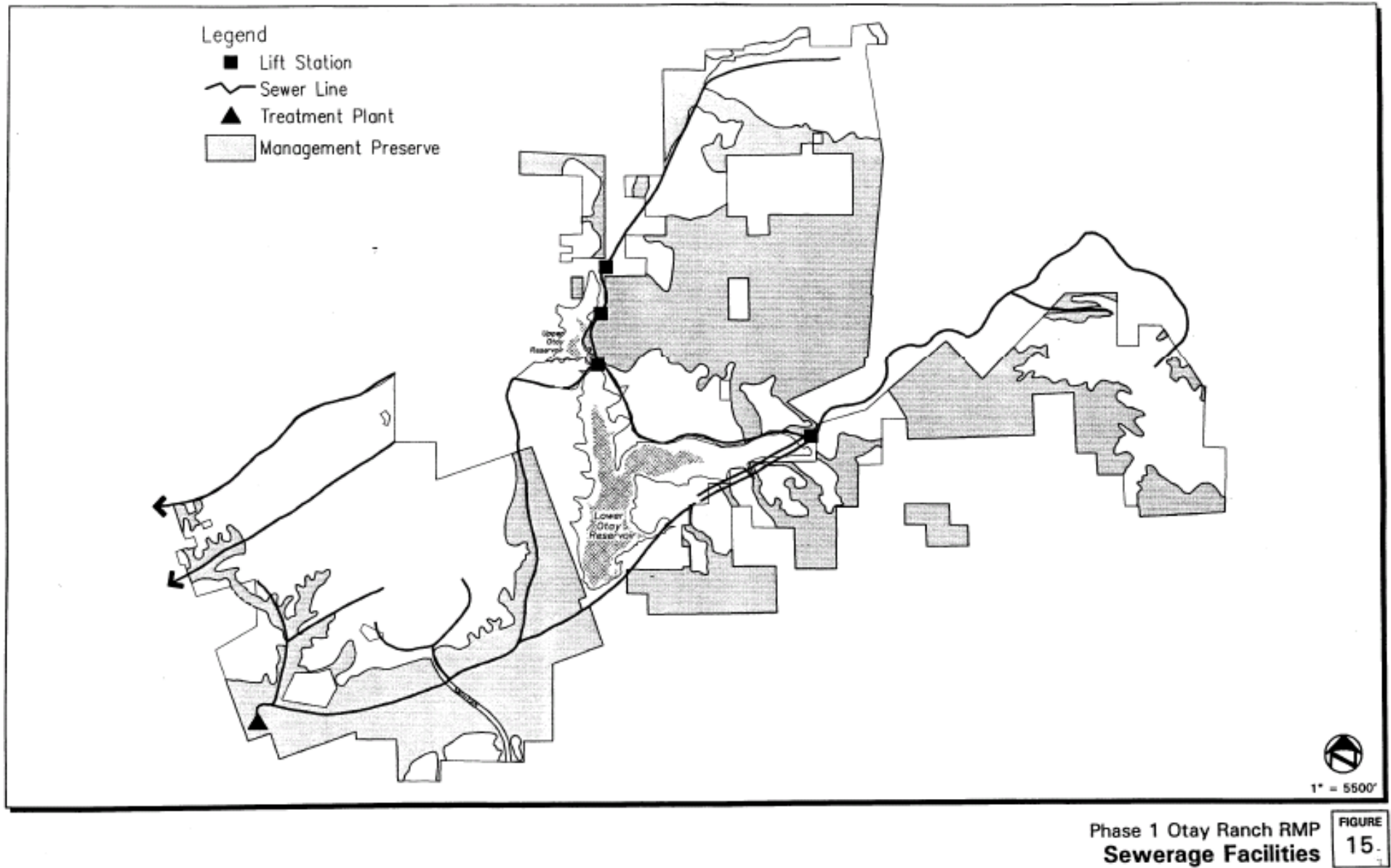
ATTACHMENT C, *Exhibit 1*



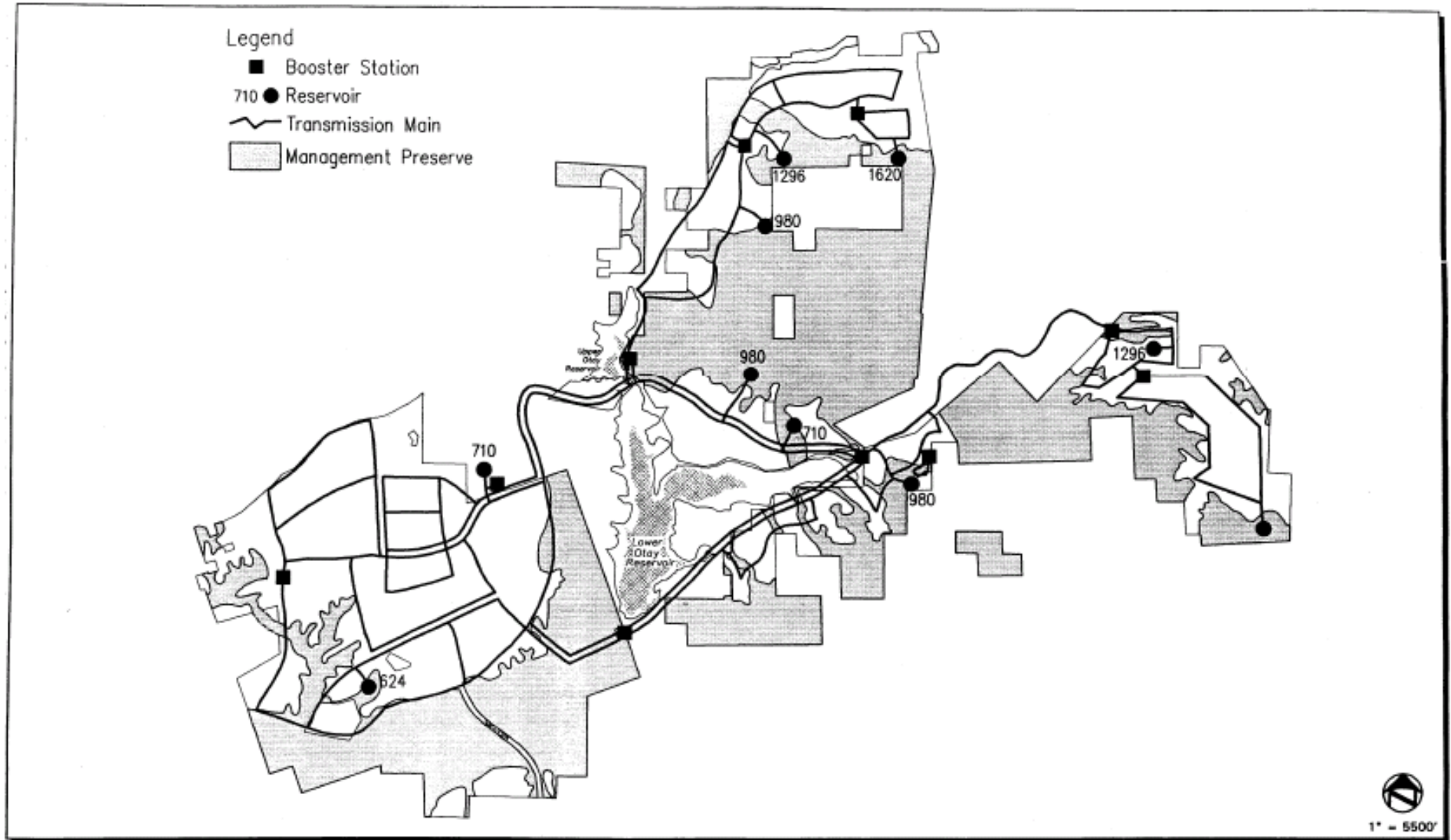
Phase 1 Otay Ranch RMP  
Public Roads

FIGURE  
14

ATTACHMENT C, *Exhibit 2*



ATTACHMENT C, *Exhibit 3*

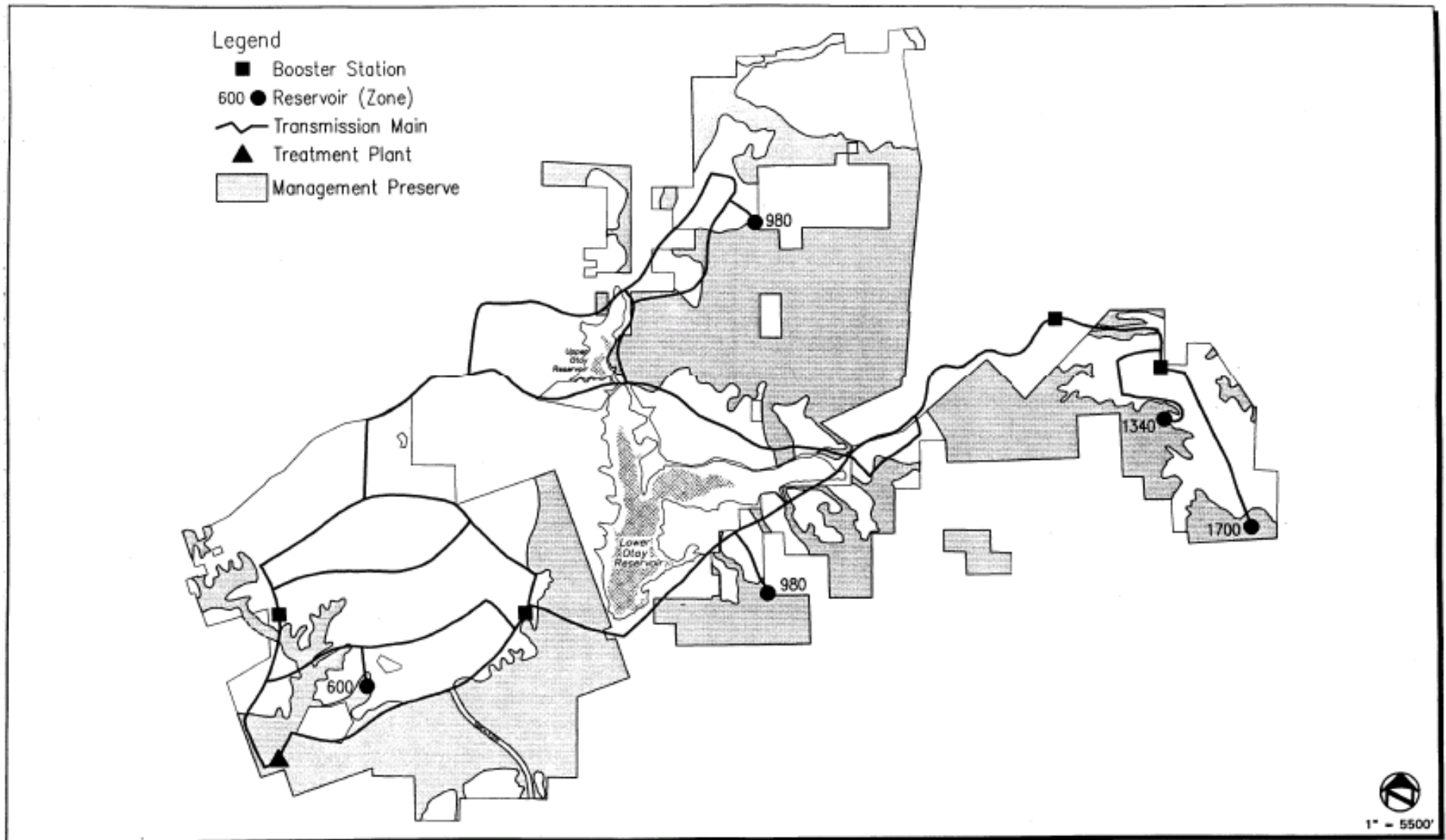


Phase 1 Otoy Ranch RMP  
Water Facilities

FIGURE  
16



ATTACHMENT C, Exhibit 4

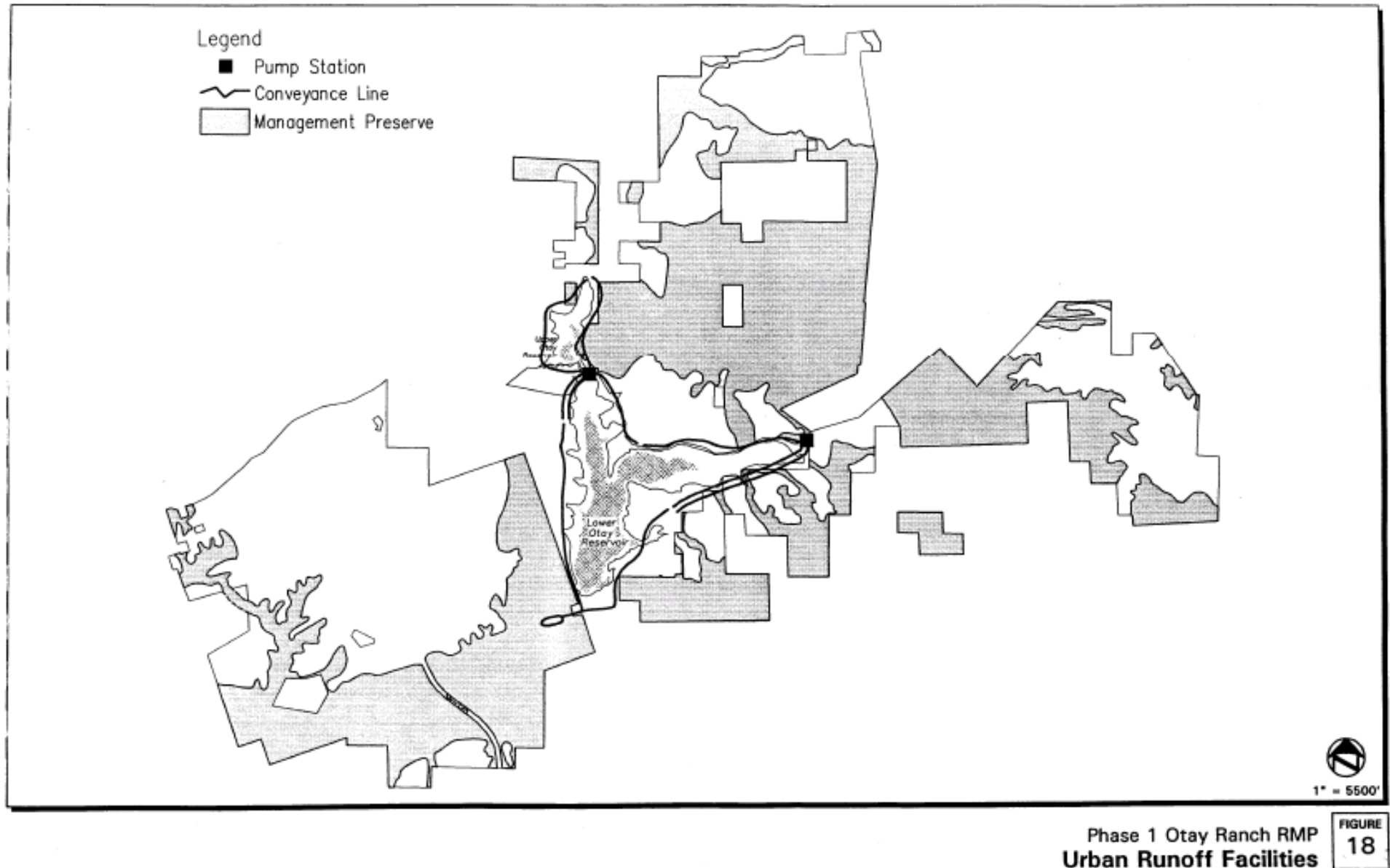


Phase 1 Otay Ranch RMP  
Reclaimed Water Facilities

FIGURE  
17



ATTACHMENT C, *Exhibit 5*



## ATTACHMENT D

### City of Chula Vista MSCP Subarea Plan Future Infrastructure Facilities Siting Criteria

#### 6.3.3.2 Future Facilities

Future Facilities are those necessary to support planned development and have not been or cannot be identified and/or located at present. Permanent impacts to covered habitats in the Preserve from Future Facilities may not exceed a cumulative total of 50 acres, which may only be exceeded with concurrence from the Wildlife Agencies. In addition, no single facility may permanently impact more than two acres of covered habitat in the Preserve without concurrence from the Wildlife Agencies. Temporary impacts (i.e., from unforeseen required sewer laterals) will not be subject to these limitations, but all areas of temporary impact must be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan.

Table 6-2 lists all the categories of Future Facilities, and briefly identifies the implementation criteria applicable to all Future Facilities. Refer to Section 6.3.3.4 for specific Facilities Siting Criteria.

**Table 6-2: Future Facilities**

FACILITIES	IMPLEMENTATION CRITERIA/ASSURANCE
Storm drain and flood control/detention facilities  Desilting & sedimentation basins  Extensions of electric and/or gas utility services to individual services  Fire access roads  Brush management roads  Maintenance & operations roads  New trails	<ul style="list-style-type: none"> <li>Each Future Facility is subject to a limit of two acres of permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4.</li> <li>All Future Facilities are subject to a cumulative limitation of 50 acres of overall permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4.</li> <li>All Future Facilities are subject to the Narrow Endemic Species policy detailed in Section 5.2.3 of this Subarea Plan for impacts to covered Narrow Endemic Species within the Preserve, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All impacts to Narrow Endemic Species within the Preserve are subject to equivalency findings, pursuant to Sections 5.2.3 and 6.3.3.4 of this Subarea Plan.</li> <li>All impacts to Covered Species and habitats, excluding Narrow Endemic Species up to the individual and cumulative caps, are mitigated by the conservation strategies in this Subarea Plan, and are authorized under the Take Authorization pursuant to this Subarea Plan.</li> </ul>

#### 6.3.3.4 Facilities Siting Criteria

It is expressly intended that flexibility be allowed in locating Planned and Future Facilities within the Preserve. It is also recognized that it may be necessary to locate public facilities in the Preserve that are not currently planned, known or anticipated. To the extent practical and as determined by the City, covered habitats and species will be avoided during the planning, design and construction of Planned and/or Future Facilities. The physical and engineering requirements of new roads and infrastructure shall be considered during the siting procedure, and siting and construction of such facilities will be accomplished in accordance with the following criteria, as determined by the City:

- Such facilities will be located in the least environmentally sensitive location feasible, and use existing roads, trails and other disturbed areas, including use of the active recreation areas in the Otay River Valley, as much as possible (except where such areas are occupied by the QCB). Facilities should be routed through developed or developing areas where possible. If no other

routing is feasible, alignments should follow previously existing roads, easements, rights of way, and disturbed areas, minimizing habitat fragmentation.

2. Such facilities shall avoid, to the maximum extent practicable, impact to Covered Species and Wetlands, and will be subject to the provisions, limitations and mitigation requirements for Narrow Endemic Species and Wetlands pursuant to Sections 5.2.3 and 5.2.4 of this Subarea Plan.
3. Where roads cross the Preserve, they should provide for wildlife movement in areas that are graphically depicted on and listed in the MSCP Subregional Plan Generalized Core Biological Resource Areas and Linkages map (Figure 1-4) as a core biological area or a regional linkage between core biological areas. All roads crossing the Preserve should be designed to result in the least impact feasible to Covered Species and Wetlands. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. To the extent feasible, crossings will be designed as follows: the substrate will be left in a natural condition or revegetated if soils engineering requirements force subsurface excavation and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.
4. To minimize habitat disruption, habitat fragmentation, impediments to wildlife movement and impact to breeding areas, road and/or right-of-way width shall be narrowed from existing City design and engineering standards, to the maximum extent practicable. In addition, roads shall be located in lower quality habitat or disturbed areas to the maximum extent practicable.
5. Impacts to Covered Species and habitats within the Preserve resulting from construction of Future Facilities will be evaluated by the City during project review and permitting. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located outside the Preserve, pursuant to this Subarea Plan and consistent with the Facility Siting Criteria in this Section.
6. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located within the Preserve, subject to a limitation of two acres of impact for individual projects and a cumulative total of 50 acres of impact for all Future Facilities. Wildlife Agency concurrence will be required for authorization of Take for any impacts to Covered Species and habitat within the Preserve that exceed two acres that may result from construction of any individual Future Facility. Wildlife Agency concurrence will be required for authorization of Take for impacts to Covered Species and habitat within the Preserve that exceed fifty acres that may result from all Future Facilities combined.
7. Planned and Future Facilities must avoid impacts to covered Narrow Endemic Species and the QCB to the maximum extent practicable. When such impacts cannot be avoided, impacts to covered Narrow Endemic Species within the Preserve that will result from construction of Planned and Future Facilities located within the Preserve are subject to equivalency findings and the limitations and provisions of Section 5.2.3.6 of this Subarea Plan. Impacts to QCB that will result from construction of Planned and Future Facilities within the Preserve are subject to the provisions of Section 5.2.8 of this Subarea Plan.

**PROPOSED CONVEYANCE (TITLE DEED OR IOD) LANGUAGE  
Future Infrastructure Easements – City Staff Recommendation**

**To be heard at May 28, 2008 PMT Meeting**

**RECOMMENDATION:**

Chula Vista POM Staff recommends that conveyance documents (title deed or IOD) recognize future facilities should be sited pursuant to the RMP and the City's MSCP Facilities Siting Criteria. The criteria contained in Attachment A represents the applicable siting criteria from both the City's MSCP Subarea Plan and the RMP. As stated in Policy 6.6 of the Phase 1 RMP: "Infrastructure plans and their implementation shall be subject to the review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager" if such improvements are located within the Preserve. In addition, pursuant to the RMP policies, the siting of "Future Facilities" would be subject to review and comment by the POM.

The following identifies the procedures by which the siting of future facilities within the Otay Ranch Preserve shall be reviewed and processed by the POM:

1. The Fee Title/IOD will recognize that future infrastructure should be sited pursuant to the City's MSCP siting criteria. Pursuant to the RMP policies, the siting of future infrastructure would be subject to review and comment by the POM.
2. The POM staff shall be provided reasonable time to review the siting of the proposed infrastructure to determine whether said infrastructure is sited in accordance with the City of Chula Vista's MSCP siting criteria.
3. The City and County shall be provided with reasonable time to review and comment on the siting of any proposed future infrastructure in either jurisdictions' boundaries. The jurisdiction in which the proposed infrastructure is to be located shall consider the recommendations made by the other jurisdiction and the POM staff.
4. If the decision-making entity does not agree with the POM staff or the other jurisdiction, the issue will be forwarded to the Preserve Management Team and Policy Committee for discussion.
5. Provided however, the jurisdiction in which the infrastructure is located shall have the final decision-making authority.

**BACKGROUND:**

In order to comply with the Otay Ranch RMP Phases 1 and 2 conveyance plan requirements, IODs and fee title to various properties have been offered to the City of Chula Vista and County of San Diego for dedication of preserve land. Since 1999, some of these IODs have included language reserving easements for the siting of infrastructure (Attachment B).

**RELEVANT PLANS AND POLICIES:**

***Otay Ranch Resource Management Plan***

Policy 6.6 of the Otay Ranch Resource Management Plan (RMP) Phase 1 states that infrastructure facilities may be located within the Preserve. As defined in the RMP, "infrastructure facility" is defined as a road, sewage, water, reclaimed water, or urban runoff facility. Policy 6.6 of RMP Phase 1 further states, "Infrastructure plans and their implementation shall be subject to the review and comment by the appropriate jurisdictions in coordination with

the Preserve Owner/Manager” if such improvements are located within the Preserve. An excerpt from the RMP Phase I stating this policy is attached as Attachment C.

In addition, language used in RMP 1 clearly indicates that all construction activity for infrastructure improvements shall be subject to the approval by the appropriate jurisdiction and *review* of the Preserve Owner/Manager (Policy 8.3).

***City of Chula Vista MSCP Subarea Plan***

The Chula Vista MSCP Subarea Plan also considered roads and infrastructure a conditionally compatible use within the preserve. The Chula Vista MSCP Subarea Plan separated the infrastructure into two categories, Planned Facilities and Future Facilities. Planned Facilities are those that have been specifically identified by the City to serve development approved by the City. Future Facilities are those necessary to support planned development and have not been or cannot be identified and/or located at present (Table 6-2 of the City’s MSCP Subarea Plan). The Chula Vista MSCP Subarea Plan outlined specific criteria to allow future infrastructure facilities as well. These criteria are listed in Attachment A. The locations of the infrastructure facilities were further refined from those described in the RMP. Since the locations of infrastructure described and depicted in the RMP Phase 2 were conceptual, these refinements were anticipated.



**ATTACHMENT A  
City of Chula Vista MSCP Subarea Plan Facilities Siting Criteria**

**6.3.3.4 Facilities Siting Criteria**

It is expressly intended that flexibility be allowed in locating Planned and Future Facilities within the Preserve. It is also recognized that it may be necessary to locate public facilities in the Preserve that are not currently planned, known or anticipated. To the extent practical and as determined by the City, covered habitats and species will be avoided during the planning, design and construction of Planned and/or Future Facilities. The physical and engineering requirements of new roads and infrastructure shall be considered during the siting procedure, and siting and construction of such facilities will be accomplished in accordance with the following criteria, as determined by the City:

1. Such facilities will be located in the least environmentally sensitive location feasible, and use existing roads, trails and other disturbed areas, including use of the active recreation areas in the Otay River Valley, as much as possible (except where such areas are occupied by the QCB). Facilities should be routed through developed or developing areas where possible. If no other routing is feasible, alignments should follow previously existing roads, easements, rights of way, and disturbed areas, minimizing habitat fragmentation.
2. Such facilities shall avoid, to the maximum extent practicable, impact to Covered Species and Wetlands, and will be subject to the provisions, limitations and mitigation requirements for Narrow Endemic Species and Wetlands pursuant to Sections 5.2.3 and 5.2.4 of this Subarea Plan.
3. Where roads cross the Preserve, they should provide for wildlife movement in areas that are graphically depicted on and listed in the MSCP Subregional Plan Generalized Core Biological Resource Areas and Linkages map (Figure 1-4) as a core biological area or a regional linkage between core biological areas. All roads crossing the Preserve should be designed to result in the least impact feasible to Covered Species and Wetlands. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. To the extent feasible, crossings will be designed as follows: the substrate will be left in a natural condition or revegetated if soils engineering requirements force subsurface excavation and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.
4. To minimize habitat disruption, habitat fragmentation, impediments to wildlife movement and impact to breeding areas, road and/or right-of-way width shall be narrowed from existing City design and engineering standards, to the maximum extent practicable. In addition, roads shall be located in lower quality habitat or disturbed areas to the maximum extent practicable.
5. Impacts to Covered Species and habitats within the Preserve resulting from construction of Future Facilities will be evaluated by the City during project review and permitting. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located outside the Preserve, pursuant to this Subarea Plan and consistent with the Facility Siting Criteria in this Section.

6. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located within the Preserve, subject to a limitation of two acres of impact for individual projects and a cumulative total of 50 acres of impact for all Future Facilities. Wildlife Agency concurrence will be required for authorization of Take for any impacts to Covered Species and habitat within the Preserve that exceed two acres that may result from construction of any individual Future Facility. Wildlife Agency concurrence will be required for authorization of Take for impacts to Covered Species and habitat within the Preserve that exceed fifty acres that may result from all Future Facilities combined.
7. Planned and Future Facilities must avoid impacts to covered Narrow Endemic Species and the QCB to the maximum extent practicable. When such impacts cannot be avoided, impacts to covered Narrow Endemic Species within the Preserve that will result from construction of Planned and Future Facilities located within the Preserve are subject to equivalency findings and the limitations and provisions of Section 5.2.3.6 of this Subarea Plan. Impacts to QCB that will result from construction of Planned and Future Facilities within the Preserve are subject to the provisions of Section 5.2.8 of this Subarea Plan.

**ATTACHMENT B  
IOD Easement Language**

RESERVING UNTO GRANTOR, its successors and assigns, together with the right to grant and transfer same, an easement for sewer, water and/or drainage pipelines and facilities necessary to serve adjacent development as required by the City of Chula Vista. Such sewer, water and/or drainage pipelines shall be sited in locations defined and approved by the City of Chula Vista consistent with the provisions of the City of Chula Vista MSCP Subarea Plan. This easement includes the right, but not the obligation, to construct, install, maintain, repair and reconstruct such infrastructure, and an easement for ingress and egress over the property conveyed hereby to the extent reasonably necessary to hook into such lines and facilities and to effect any such construction, installation, maintenance, repair, or reconstruction. This easement, when conveyed and transferred by Grantor, shall be appurtenant to any real property owned by Grantor that is designated in the instrument by which any such easement is conveyed by Grantor as all or a portion of the real property to which such easement is appurtenant. Grantor shall repair, at its own expense, any damage to the real property described herein arising from the exercise of the easement rights reserved hereby. Grantor's rights hereunder shall be subject to all applicable ordinances and requirements of the City of Chula Vista concerning the real property described herein, and the exercise of the easement rights described herein, including without limitation the Chula Vista Habitat Loss and Incidental Take Permit ordinances.



**ATTACHMENT C  
Policy Excerpts from RMP 1 and 2**

**CONCEPTUAL INFRASTRUCTURE:**

RMP Phase 1  
Pages 107-113

Policy 6.6

Infrastructure may be allowed within the preserve; conceptual locations of infrastructure facilities located within or crossing the Preserve are illustrated in Figures 14-18 (final infrastructure plans may deviate from the conceptual locations shown as long as Preserve resources are not adversely affected).

Standard: Develop a general infrastructure plan in conjunction with the first SPA of the Phase 2 RMP that provides standards and criteria to guide specific infrastructure siting and design during the phased buildout of Otay Ranch.

Guidelines:

- 1) Infrastructure facilities shall be sited and designed to minimize visual and other impacts to Preserve resources.
- 2) Infrastructure plans and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager.
- 3) CEQA mitigation requirements for impacts associated with infrastructure shall be reviewed by the appropriate jurisdictions and the Preserve Owner/Manager if such improvements are located within the Preserve.
- 4) When feasible, place infrastructure in roadways or outside the Preserve.
- 5) Mitigation measures for facilities shall conform to restoration/mitigation proposals of the RMP.

Fire roads shall be permitted within the Preserve only where absolutely necessary to assure public safety, and control wildfires that may damage biological resources.

RMP Phase 11  
Pages 165-171

## 6. Conceptual Infrastructure Plan

The Otay Ranch General Plan/Subregional Plan and Phase 1 Resource Management Plan contain the following policy language:

Policy: Develop a general infrastructure plan in conjunction with the first SPA of the Phase 2 RMP that provides standards and criteria to guide specific infrastructure siting and design during the phased buildout of Otay Ranch. (GDP/SRP, Page 382; RIVIP Policy 6.6)

Policy 6.6 of the approved RMP includes the following guidelines for siting and design of infrastructure facilities within the Otay Ranch Preserve.

- Infrastructure facilities shall be sited and designed to minimize visual and other impacts to Preserve resources.
- Infrastructure plans and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager.
- CEQA mitigation requirements for impacts associated with infrastructure shall be reviewed by the appropriate jurisdictions and the Preserve Owner/Manager if such improvements are located within the Preserve.
- When feasible, place infrastructure in roadways or outside the Preserve.
- Mitigation measures for facilities shall conform to restoration/mitigation proposals of the RMP.

As part of this Conceptual Infrastructure Plan, information presented in Figures 14-18 of the Phase 1 RMP has been refined and updated to reflect new data. Updated conceptual infrastructure maps have been prepared and are presented in Exhibits 31 through 36 of this document. Updated information reflects the following:

- Current (8/95) information regarding the status of SR-125 alternatives and La Media Road is shown (Exhibit 31);
- Updated sewerage information is shown and generally indicates less potential effect on preserve resources than previously anticipated (compare Exhibit 32 of this document with Figure 15 of the adopted RMP);
- Updated water facility information is shown and generally indicates less potential effect on preserve resources than previously anticipated (compare Exhibit 33 of this document with Figure 16 of the adopted RMP);
- Updated reclaimed water facility information is shown and generally indicates less potential effect on preserve resources than previously anticipated (compare Exhibit 34 of this document with Figure 26 of the adopted RMP);
- Assumptions regarding anticipated urban runoff facilities have not changed (compare Exhibit 35 of this document with Figure 28 of the adopted RMP);
- CWA Pipeline 4E has been constructed and traverses preserve resources in Salt Creek as illustrated in Exhibit 36 of this document;
- SDG&E Pipeline 2000, a high pressure gas line, is planned within existing SDG&E

easements in the Salt Creek area as illustrated in Exhibit 36 of this document.

Since approval of the Phase I RMP, more specific criteria regarding siting and design of utilities and infrastructure has been developed as part of the Multiple-Species Conservation Program. Otay Ranch is located within the study area of the MSCP Plan. Utilities and infrastructure to be located within the Otay Ranch Preserve should be consistent with the final MSCP siting and design criteria presented below.

*a. Draft MSCP Utilities Siting Guidelines*

Utility corridors (water, gas/electric, phone, sewer, cable) can be compatible with management of biological preserves if the following guidelines are observed:

- Design new utility corridors to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Site new facilities in low quality habitat or disturbed areas, to the extent possible. Encourage underground utilities and trenchless technology, where possible.
- Require approved restoration plans and construction monitoring plans for utility corridor construction and repairs.
- Require erosion control plans to address potential erosion and sedimentation impacts.
- Use narrow construction easements and/or underground construction to allow restoration of the right-of-way to native habitat.
- When possible, use practices such as jacking or boring pipelines under drainages.
  - Pre-assemble and fly transmission towers to sites to minimize access impacts.
  - Limit permanent access roads to selected points along the utility corridor.
  - Erect tamper-proof gates and locks at potential access points to minimize human intrusion.
  - Design transmission lines and poles to reduce or eliminate electrocution of raptors and other bird species.
  - Develop detailed plans with operational protocols for maintenance crews. These plans should address right-of-way and facilities vegetation control, dust control, fire control, noise control standards, hours of maintenance operations, seasonal constraints on operations that might adversely affect breeding of sensitive species, and erosion control.
- b. *Draft MSCP Watershed Protection Areas and Water Reclamation Facilities Guidelines*
  - Prepare site-specific watershed management plans to account for both water resources and biological resources.
  - Avoid construction of reclamation plants, pipelines, and pump stations during the breeding season, if breeding areas are within the 60 dBA noise contour of the construction activities.
  - Revegetate pipeline sites within native species to minimize erosion and provide cover and forage for wildlife.

- Investigate the potential for creation of multi-purpose wetlands, e.g., wetlands that provide habitat and also treat wastewater.
- Investigate ways to enhance riparian habitat using reclaimed water, but also consider potential downstream effects on brackish water habitats (estuaries).
- Direct lighting away from habitat areas.

*C. Draft MSCP Roads and Rail Lines Siting Guidelines*

- Investigate ways to make existing or planned roads and rail lines more compatible with preserve management goals. For example, analyze wildlife crossing points and check fencing to ensure that it correctly funnels animals to appropriate crossing points, if they exist.
- Encourage greater flexibility in engineering design standards for 1) maintenance roads through preserve areas and 2) park roads. These roads should be designed to minimize biological impacts while still considering safety standards (e.g., minimize road-bed width, eliminate shoulders on rural roads and maintenance roads, and minimize the number and location of maintenance roads).
- Secure preserve maintenance roads with tamper-proof gates and locks to control public access.
- Limit public access to selected entry points.
- Close any roads used primarily for construction access, either permanently or seasonally to enhance wildlife use of adjacent habitat.
- Design new roads to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Locate new roads in low quality habitat or disturbed areas and as far from streams as possible to limit habitat disturbance due to increased erosion and runoff.
- Hard-surface frequently used unpaved roads to reduce dust. Stabilize road margins with gravel.
- Site traffic controls such as stoplights and stop signs away from sensitive habitat to reduce the concentration of emissions and noise levels.

- Place roadside turnouts only in non-sensitive areas so as to avoid providing access to sensitive habitats.
- Regularly maintain drainage structures, including culverts. Minimize any materials sidecasting during road maintenance.
- Use bridges instead of culverts for all major riparian crossings and regional wildlife movement corridors, and use fencing to direct wildlife movement toward the wildlife underpass. The size of the riparian crossing and its importance as a wildlife corridor should dictate the design.
- Design freeway interchanges, which generate high noise levels, so that they do not cross wildlife corridors. Noise within underpasses should be less than 60 dBA during the time of day at which the animals use it. Shield corridors from artificial lighting. Use skylight openings within the underpass to allow for vegetative cover within the underpass, and to decrease the cave-like appearance. Design underpasses such that the length-to-width ratio is less than 2. This ratio can be less restrictive if the height of the underpass is greater than 10 m (33-ft.).
- Identify the responsibility for financing bridges and wildlife undercrossings.
- Construct noise barriers for short sections of road that may impact wildlife breeding. Noise barriers should be of sufficient height to attenuate noise from semi-trailer trucks (e.g., approximately 10 ft. along rural roads receiving approximately 10,000 average daily traffic yields 60 dBA).
- Develop road maintenance protocols to prevent adverse impacts to local watercourses, erosion, and excessive amounts of dust and noise.

## INTERIM USES:

RMP Phase 1  
Pages 116-117

### OBJECTIVE 8 - RESOURCE PRESERVE - INTERIM LAND USES

Identify interim uses and activities that may continue within the proposed Preserve until conveyance to the Preserve Owner/Manager.

#### Policy 8.1

Existing conditions (uses) will not be allowed to negatively impact the sensitive resources in the Preserve,

#### Standards:

- 1) Existing agricultural uses, including cultivation and grazing, shall be permitted to continue as an interim activity, only where they have occurred historically and continually.
- 2) No increase in irrigation shall be allowed, except for temporary irrigation that may be installed as part of restoration plans,
- 3) Grazing by sheep and goats shall not be allowed.
- 4) Cattle grazing shall be phased out in accordance with the conveyance program and Range Management Plan.

#### Policy 8.2

The County of San Diego or City of Chula Vista shall manage ongoing mineral extraction operations through the permit process.

#### Policy 8.3

Construction activities associated with infrastructure necessary for implementation of an approved development plan shall be allowed as an interim activity,

Standard: All construction activities shall take place in accordance with standards and criteria outlined in the conceptual infrastructure improvement plans as required in Policy 6.7. The improvement plans shall be subject to approval by the appropriate jurisdiction and review by the Preserve Owner/Manager.

**ATTACHMENT D  
List of Future Facilities**

**Table 6-2: Future Facilities**

<b>FACILITIES</b>	<b>IMPLEMENTATION CRITERIA/ASSURANCE</b>
Storm drain and flood control/detention facilities	<ul style="list-style-type: none"> <li>Each Future Facility is subject to a limit of two acres of permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4.</li> </ul>
Desilting & sedimentation basins	
Extensions of electric and/or gas utility services to individual services	<ul style="list-style-type: none"> <li>All Future Facilities are subject to a cumulative limitation of 50 acres of overall permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4.</li> </ul>
Fire access roads	
Brush management roads	<ul style="list-style-type: none"> <li>All Future Facilities are subject to the Narrow Endemic Species policy detailed in Section 5.2.3 of this Subarea Plan for impacts to covered Narrow Endemic Species within the Preserve, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All impacts to Narrow Endemic Species within the Preserve are subject to equivalency findings, pursuant to Sections 5.2.3 and 6.3.3.4 of this Subarea Plan.</li> <li>All impacts to Covered Species and habitats, excluding Narrow Endemic Species up to the individual and cumulative caps, are mitigated by the conservation strategies in this Subarea Plan, and are authorized under the Take Authorization pursuant to this Subarea Plan.</li> </ul>
Maintenance & operations roads	
New trails	



**ITEM V.B. - Non-Otay Ranch Program**  
**Page 41 of 64**

**NON-OTAY RANCH PROJECT MITIGATION LANDS PROGRAM**  
**Eligibility and Review Criteria**

**May 28, 2008**

**Recommendation:**

Approve Eligibility and Review Criteria for the Non-Otay Ranch Project Mitigation Lands Program and direct Preserve Owner Manager (POM) staff to bring forward to the POM Policy Committee for their consideration.

**Purpose:**

A number of developers who dedicated lands within the Otay Ranch Preserve for mitigation of non-Otay Ranch projects have approached the Otay Ranch POM to request that it manage these lands as part of the Otay Ranch POM structure. The POM would consider accepting management and monitoring responsibilities of these lands if the land meets the following eligibility criteria and the POM will take into consideration the review criteria.

**Background:**

Eligibility and Review criteria were presented to the Preserve Management Team (PMT) on January 9, 2008 and to the Policy Committee on January 23, 2008. On March 7, 2008, the PMT directed POM staff to receive written comments on the Program until April 21, 2008, post the comments to the POM website, review and analyze the comments, and bring forward a recommendation to the next PMT meeting of May 28, 2008. During the public review period, the City of Chula Vista provided recommendations to the eligibility and review criteria. The County supports these recommendations without modification. These recommendations are found below:

**Eligibility Criteria**

*In order for the land to be eligible for this Program, it must meet all of the following criteria:*

- Land must be located within the Otay Ranch Preserve boundary
- The mitigation land offered by the applicant must be associated with a project within the City or County's jurisdiction
- Cost Analysis/Funding
  - Applicant must submit a Property Analysis Record (PAR) or similar cost analysis which includes an abbreviated habitat/resource tasks, detailed cost analysis, and annual work plans/budgets. The cost analysis must be acceptable to both the City and the County.
  - Funding must be provided in the form of a Community Facilities District (CFD) subject to the review of the POM and the approval of the jurisdiction in which the project is located.
- Land Management Standards
  - Applicant must provide written evidence that all Resource Agency permits (i.e. short-term mitigation requirements, success criteria), as applicable, have been satisfied
  - POM will manage the land to Phase 2 RMP standards. Applicant must provide evidence that this management standard is acceptable to Resource Agencies.
- Land is free of environmental contamination liabilities
- Applicant must provide evidence that legal and physical access have been obtained
- The site must be free of all encumbrances deemed unacceptable to the jurisdiction in which the project is located (i.e., conservation easements, liens, etc.)

**Review Criteria**

*The POM will review issues, including but not limited to the following, in their consideration of lands for inclusion in this Program:*

- Adjacency to land currently being managed by the POM

**Title**

*Land will be accepted in fee title by the POM in accordance with the requirements of this Program.*

**NON-OTAY RANCH PROJECT MITIGATION LANDS PROGRAM  
RESPONSE TO COMMENTS**

May 28, 2008

**Background**

At the last Otay Ranch Preserve Management Team (PMT) meeting held on March 7, 2008, the PMT directed Preserve Owner/Manager (POM) Staff to accept comments on the Non-Otay Ranch Project Mitigation Lands Program (Program) until April 21, 2008; post the comments received on the Otay Ranch POM website ([http://sdcounty.ca.gov/dplu/mscp/or\\_pom.html](http://sdcounty.ca.gov/dplu/mscp/or_pom.html)); and return to the PMT with a recommendation on the Program at their next meeting scheduled for May 28, 2008.

POM Staff received five comment letters from the City of Chula Vista, the Wildlife Agencies (U.S. Fish and Wildlife Services and California Department of Fish and Game), South Bay Expressway, McMillin Land Development, and Otay Land Company. The following are POM Staff's responses to comments (Attachments A-E) received during the public review period for the Program presented to the Otay Ranch PMT on January 9, 2008 and Policy Committee on January 23, 2008.

**Response to Comment**

**CITY OF CHULA VISTA**

During the public review period, the City of Chula Vista provided recommendations to the Eligibility and Review Criteria. The County supports these recommendations without modification. POM staff will present these criteria (Attachment A) at the next PMT meeting scheduled for May 28<sup>th</sup> as an agenda item. POM staff will recommend that the PMT approve the eligibility and review criteria for the Non-Otay Ranch Project Mitigation Lands Program and direct POM staff to bring forward to the POM Policy Committee for their consideration.

**WILDLIFE AGENCIES**

- B.1 The comment notes that the POM has previously indicated that it may not take on management of non-Otay Ranch mitigation lands. POM staff has revised Program (Attachment A) to allow the POM to consider management of lands not associated with an Otay Ranch Project. POM staff will recommend to the PMT on May 28, 2008 and the Policy Committee on July 17, 2008 that they adopt the Program which will allow the POM to manage non-Otay Ranch project mitigation lands as long as all eligibility and review criteria are met.
- B.2 The Wildlife Agencies indicate that the draft criteria automatically excludes consideration of valuable land that lies immediately adjacent to the (Otay Ranch) Preserve. The RMP or the Joint Powers Agreement (JPA) did not contemplate or require the POM to be a general land manager for properties outside of the Preserve. Managing non-Otay Ranch projects that have been permitted and assigned unique management requirements that may or may not be consistent

**COMMENTS**

Page 2 of 6

with the RMP will create additional accounting and administration duties which may be onerous to track. Additionally, the POM is restricted from conducting maintenance, operations, and management on any property that is maintained, managed, and/or operated by the state and/or federal government as specified in Resolution 19110 adopted by the City of Chula Vista.

- B.3 The Wildlife Agencies ask why is it necessary for the POM to enter into a contractual agreement if adequate funding is available for management in perpetuity. POM staff has revised the eligibility criteria and is recommending that the POM take land in fee title as long as all the eligibility and review criteria are met.
- B.4 Managing non-Otay Ranch projects that have been permitted and assigned unique management requirements that may or may not be consistent with the RMP will create additional accounting and administration duties which may be onerous to track. Neither the RMP nor Joint Powers Agreement contemplated or requires the POM to be a general land manager for mitigation lands of non-Otay Ranch projects. The POM is only required to manage lands to RMP standards.
- B.5 Although the POM may not be obligated to implement management activities in the Otay Ranch Preserve beyond those identified in the RMP, the City intends to fulfill the management and monitoring provisions for QCB in accordance with the City of Chula Vista MSCP Subarea Plan. The County is in the process of amending the South County MSCP Subarea Plan to add Quino checkerspot butterfly as a covered species under the Plan. The amendment is anticipated to be considered by the County Board of Supervisors by 2010. Additionally, the County is in the process of updating Phase 2 RMP. The update will include language to be consistent with the City's adopted MSCP requirements and the County's amended MSCP requirements once adopted. The update is anticipated to be considered by the County Board of Supervisors by Fall 2008.

**COMMENTS**

Page 3 of 6

**SOUTH BAY EXPRESSWAY**

- C.1 It is noted that South Bay Expressway (SBX) considers the POM to be the ideal entity to manage Johnson Canyon mitigation land due to its location within and adjacent to Otay Ranch and the County and City's MSCP Preserve. The POM is limited from managing land that is owned, maintained, managed, and/or operated by the state and/or federal government as open space pursuant to Resolution 19110 adopted by the City of Chula Vista. Because the land within Johnson Canyon is owned in part by a state agency, the POM is prohibited from managing those mitigation lands.
- C.2 SBX comment indicates, "If the POM is unwilling to accept fee title and/or enter into a contract that will ensure management of mitigation lands in perpetuity, then acceptance of Johnson Canyon (and other lands conditioned for management in perpetuity) will be precluded." As stated in response to comment C.1 above, the POM is prohibited from managing state-owned lands.
- C.3 The comment indicates that the POM should be able to conduct management of Quino habitat on mitigation land within Johnson Canyon if adequate funding is provided in the form of an endowment. In accordance with the draft Program, an endowment is not an acceptable form of funding for management in perpetuity. In addition, the POM is not required to implement specific mitigation requirements for Quino habitat identified in the Biological Opinion issued to SBX by the Wildlife Agencies.
- C.4 SBX's comment indicates that the draft Program will not permit the POM to manage lands located outside of the Preserve, more specifically, land designated as Area 2 within Johnson Canyon. Although a small portion of Area 2 is located within the boundaries of the Preserve, the remaining land (approximately 50 acres) is located outside of the Preserve in the City of San Diego. Managing non-Otay Ranch projects that have been permitted and assigned unique management requirements that may or may not be consistent with the RMP will create additional accounting and administration duties which may be onerous to track. The RMP or JPA did not contemplate or require the POM to be a general land manager for mitigation lands of non-Otay Ranch projects. As stated previously, the POM is restricted from conducting maintenance, operations, and management on any property that is maintained, managed, and/or operated by the state and/or federal government as specified in Resolution 19110 adopted by the City of Chula Vista..
- C.5 SBX requests that the POM consider accepting fee title for certain lands or entering into a contract that would provide management in perpetuity. POM staff has revised the eligibility criteria and is recommending that the POM take land in fee title as long as all the eligibility and review criteria are met. A contractual agreement is not longer a requirement for acceptance of Non-Otay Ranch mitigation land.

**COMMENTS**

Page 4 of 6

- C.6 SBX would like the POM to consider amending the acceptance criteria to allow acceptance of lands with requirements for long-term Quino habitat management. As indicated in response to comment C.3, the POM is limited from managing state-owned lands. In addition, an endowment is not an acceptable form of funding for the POM to consider management of the lands.
- C.7 SBX would also like the POM to consider providing a more flexible criterion to allow acceptance of certain mitigation lands that are contiguous to the Otay Ranch Preserve boundaries. As stated previously in response to comment C.4, neither the RMP nor the JPA contemplated or requires the POM to be a general land manager for properties outside of the Preserve. Managing non-Otay Ranch projects that have been permitted and assigned unique management requirements that may or may not be consistent with the RMP will create additional accounting and administration duties which may be onerous to track. Additionally, the POM is restricted from conducting maintenance, operations, and management on any property that is maintained, managed, and/or operated by the state and/or federal government as specified in Resolution 19110 adopted by the City of Chula Vista.

**MCMILLIN LAND DEVELOPMENT**

- D.1 The comment identifies McMillin's concern with the POM not accepting fee title of mitigation land(s) for Non-Otay Ranch projects. POM staff has revised the eligibility criteria and is recommending that the POM take land in fee title as long as all the eligibility and review criteria are met.
- D.2 McMillin indicates that the level of maintenance of Non-Otay Ranch mitigation lands should not be excluded from entry into the Program if the POM is adequately funded. Managing non-Otay Ranch projects that have been permitted and assigned unique management requirements that may or may not be consistent with the RMP will create additional accounting and administration duties which may be onerous to track. The RMP or JPA did not contemplate or require the POM to be a general land manager for mitigation lands of non-Otay Ranch projects. The POM is only required to manage lands to RMP standards..
- D.3 McMillin's comment states that the POM should be willing to be identified as the conservator in recorded documents (i.e., conservation easement). This comment has been noted. POM staff has revised the eligibility criteria and is recommending that the POM take land in fee title as long as all the eligibility and review criteria are met..
- D.4 McMillin has drafted proposed language for the POM to consider for taking on management of mitigation land for Non-Otay Ranch projects. Included in their recommended language is that mitigation land be transferred to the POM in fee title. As stated previously under response to comment D.3, POM Staff has revised the criteria indicating that land will be taken in fee title..

**COMMENTS**

Page 5 of 6

- D.5 The comment states that landowners must establish a mechanism that will provide necessary money as indicated by the cost estimate. POM staff has revised the eligibility criteria (Attachment A) and is recommending that the Applicant be required to provide funding in the form of a CFD.
- D.6 McMillin recommends that mitigation land be contiguous to other future or currently dedicated Otay Ranch Preserve lands. The comment has been noted. POM staff will only consider management of mitigation lands within the Otay Ranch Preserve boundaries in accordance with the RMP and JPA..
- D.7 The comment indicates that the POM must be provided with adequate access to property being dedicated. As listed on the revised Program (Attachment F), POM staff's recommendation to the PMT and Policy Committee regarding access will be that the Applicant provides evidence that legal and physical access has been obtained. The POM will need physical access to the property or at best in close proximity to the property to allow for general stewardship practices performed by a County Park Ranger as well as consultants contracted to perform surveys on POM managed lands. The physical access must also be in the form of legal access, i.e., recorded access easement. This will ensure that the POM and any contracted consultant have access to the property in perpetuity.
- D.8 McMillin indicates in their recommendation that disputes between landowners and POM staff must be resolved by the PMT. POM staff concurs that acceptance of lands to be managed by the POM per the Program will be considered first at the POM staff level. If agreement between the landowner and staff cannot be reached, the issues will be elevated to the PMT. If resolution is not met between the landowner and the PMT, the final decision will be made by the Policy Committee.

**COMMENTS**

Page 6 of 6

**OTAY LAND COMPANY**

- E.1 Otay Land Co. states that the Program needs to be changed so there is assurance that mitigation lands will be managed in perpetuity. As long as all eligibility and review criteria are met, the POM will accept the management of the land in perpetuity.
- E.2 The comment indicates that the POM and the project proponent must develop a funding mechanism that is self-perpetuating and the POM needs to assume fee title to the mitigation land. In accordance with the comment, POM staff has revised the eligibility criteria (Attachment F) requiring that the Applicant provide funding in the form of a CFD to ensure adequate funding is available for management in perpetuity.. In addition, the eligibility criteria has been revised recommending that the POM take land in fee title as long as all the eligibility and review criteria are met.
- E.3 Otay Land Co. states that the draft Program limits the scope of management to RMP 2 standards. The RMP or JPA did not contemplate or require the POM to be a general land manager for mitigation lands of non-Otay Ranch projects. The POM is only required to manage lands to RMP standards. Managing non-Otay Ranch projects that have been permitted and assigned unique management requirements that may or may not be consistent with the RMP will create additional accounting and administration duties which may be onerous to track.
- .



**NON-OTAY RANCH PROJECT MITIGATION LANDS PROGRAM**  
**Eligibility and Review Criteria**

Chula Vista Modified March ~~14~~26, 2008

**Eligibility Criteria**

*In order for the land to be eligible for this Program, it must meet all of the following criteria:*

- Land must be located within the Otay Ranch Preserve boundary
- The mitigation land offered by the applicant must be associated with a project within the City or County's jurisdiction
- ~~Applicant must be able to demonstrate that it is feasible to enter into a contractual agreement with the POM. The agreement would be based on the understanding that:~~
  - ~~- Applicant retains ownership of land~~
  - ~~- POM agrees to manage land to Otay Ranch Phase 2 Resource Management Plan (RMP) and Long Term Implementation Program standards~~
  - ~~- POM and Applicant to execute contract, contract term to be determined~~
- Cost Analysis/Funding
  - Applicant must submit a Property Analysis Record (PAR) or similar cost analysis which includes an abbreviated habitat/resource tasks, detailed cost analysis, and annual work plans/budgets. The cost analysis must be acceptable to both the City and the County.
  - Funding must be provided in the form of a Community Facilities District (CFD) subject to the review of the POM and the approval of the jurisdiction in which the project is located.
- Land Management Standards
  - Applicant must provide written evidence that all Resource Agency permits (i.e. short-term mitigation requirements, success criteria), as applicable, have been satisfied
  - POM will manage the land to Phase 2 RMP ~~and Long Term Implementation Program~~ standards. Applicant must provide evidence that this management standard is acceptable to Resource Agencies.
  - ~~Any legally binding recorded documents, i.e. deed restrictions, dedicated open space easements, must not contain language requiring management and monitoring of the land over and above those required by Phase 2 RMP and Long Term Implementation Program standards.~~
- Land is free of environmental contamination liabilities
- Applicant must provide evidence that legal and physical access have been obtained
- The site must be free of all encumbrances deemed unacceptable to the jurisdiction in which the project is located (i.e., conservation easements, liens, etc.)

**A.1**

**Review Criteria**

*The POM will review issues, including but not limited to the following, in their consideration of lands for inclusion in this Program:*

- Adjacency to land currently being managed by the POM
- ~~Payment proposal~~

**Title**

Land will be accepted in fee title by the POM in accordance with the requirements of this Program.



**COMMENTS**

**ATTACHMENT B – Wildlife Agencies Comment Letter**



U. S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92011  
(760) 431-9440  
FAX (760) 431-5902



California Department of Fish and Game  
South Coast Region  
4949 Viewridge Avenue  
San Diego, California 92123  
(858) 467-4201  
FAX (858) 467-4299

In Reply Refer To:

FWS/CDFG-SDG 08B0340-08TA0375

**FEB 29 2008**

Marisa Lundstedt  
City of Chula Vista  
Planning and Building Department  
276 Fourth Avenue  
Chula Vista, California 91910

Maeve Hanley  
County of San Diego  
Department of Parks and Recreation  
9150 Chesapeake, Suite 200  
San Diego, California 92109

Subject: Comments on the Draft Eligibility and Review Criteria for acceptance of non-Otay Ranch Project mitigation lands by the Otay Ranch Preserve Owner Manager

Dear Ms. Lundstedt and Ms. Hanley:

The Otay Ranch Preserve Owner Manager's (POM) prepared draft Eligibility and Review Criteria (draft-Criteria) for POM management of non-Otay Ranch Project mitigation lands and presented it to the POM Policy Committee for consideration on January 9, 2008. The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), collectively referred to as the Wildlife Agencies, reviewed the draft Criteria and provided verbal comments at the January 9 POM Policy Committee meeting. The attachment lists our comments and concerns with the draft Criteria and serves to formally present our support of the POM to be eligible to take on the management of these lands.

Both the County and the City need to work together to ensure that the Preserve is managed in perpetuity, has adequate funding for that management, and meets the management needs established in the RMP and the City and County's MSCP Subarea Plans. Land management needs to be efficient across the Subregion, and this is best accommodated through consolidated management across a contiguous landscape under the fewest managers possible. The POM was designed to have the capacity to manage a large preserve, and given adequate funding should be able to manage all lands within the RMP boundary as well as any additional land that is



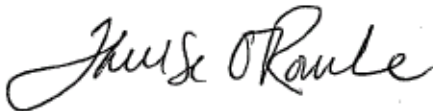
## COMMENTS

## ATTACHMENT B – Wildlife Agencies Comment Letter

Ms. Marisa Lundstedt and Ms. Maeve Hanley (FWS-SDG/CDFG-08B0340-08TA0375) 2

contiguous with the Preserve. If the POM is denied the opportunity to manage non-Otay Ranch lands embedded within or contiguous with the Preserve, the result will be inefficient management of many small pieces of land across the landscape. If, however, the POM does take on the responsibility, it will create a more uniformly managed and contiguous Preserve for the POM to manage and should make preserve management more efficient and successful in the long term.

The Wildlife Agencies strongly recommend that the POM revise the draft Criteria to address our concerns and provide for a mechanism to accept these lands for management. The USFWS and CDFG will continue to work with the County and City and POM to address our concerns with the management of non-Otay Ranch lands. We would like to request a meeting with POM staff and POM Policy committee staff to discuss possible solutions to our concerns and to better understand the funding and management of currently managed POM lands that was discussed at the January 9 POM Policy Committee meeting. If you have any questions or comments pertaining to this letter, please contact Amber Himes (CDFG) at (858)637-7100 or Susan Wynn (USFWS) at (760)431-9440.



Therese O'Rourke  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

Sincerely,  


Stephen Juarez  
Environmental Program Manager  
California Department of Fish and Game

cc: - Bruce April (Caltrans)  
Rikki Schroeder (Pardee Homes)

Attachment

## COMMENTS

## ATTACHMENT B – Wildlife Agencies Comment Letter

## ATTACHMENT

**Wildlife Agency Comments on the Draft Eligibility and Review Criteria for acceptance of non-Otay Ranch Project mitigation lands by the Otay Ranch Preserve Owner Manager**

The Otay Ranch Resource Management Plan (RMP) was adopted on October 28, 1993, by the County of San Diego (County) and the City of Chula Vista (City) as a comprehensive planning document that addresses the preservation, enhancement, and management of sensitive natural and cultural resources on the 22,899-acre Otay Ranch property. Mitigation lands for development associated with the Otay Ranch Project are being managed by the POM and are collectively referred to as the Otay Ranch Preserve (Preserve). Although it was designed as a “closed system”, recently a number of developers have purchased and dedicated lands within or contiguous with the Preserve for mitigation of non-Otay Ranch projects. Recently, these developers have approached the POM to request that it manage these lands as part of the Otay Ranch POM structure.

The Wildlife Agencies are concerned about the current and future management of mitigation lands that lie within the RMP boundaries, both those lands that are currently managed by the POM and non-Otay Ranch lands that have been proposed for adoption by the POM. The POM has argued that because the non-Otay Ranch lands do not represent mitigation by development associated with the Otay Ranch Project, the POM is not obligated to take on the management of these lands. The draft Criteria were developed to provide a method for analyzing these lands for future adoption by the POM. However, we find that the draft Criteria are too restrictive and, as written, will not help the City and County meet the requirements as set forth in their Multiple Species Conservation Plan (MSCP) permits. To ensure that the project is consistent with ongoing regional habitat conservation planning efforts and permits, we offer the following recommendations and comments based on the January 9 draft Criteria.

B.1

1) The first eligibility criteria states that the mitigation land must be located within the Preserve boundary. This criterion automatically excludes valuable lands that lie immediately adjacent to the Preserve. Most importantly, this excludes the mitigation lands associated with the Caltrans State Route 125 construction project, without which, the Otay Ranch Project could not have been built. We believe that the POM should accept the management responsibility of these mitigation lands (subject to discussions with the Wildlife Agencies and additional funding to manage these lands consistent with each project’s permit requirements) because of the project’s direct connection to the Otay Ranch Project and because these lands are immediately adjacent to lands already managed by the POM.

B.2

2) The second eligibility criteria stipulates that the project applicant must enter into a fixed term contract with the POM, retain ownership of the land, and consequently be responsible for the long-term management of the parcel once the contract expires. If appropriate funding for in-perpetuity management accompanies a given parcel of land, we do not understand why it

B.3



## COMMENTS

## ATTACHMENT B – Wildlife Agencies Comment Letter

Ms. Marisa Lundstedt and Ms. Maeve Hanley (FWS-SDG/CDFG-08B0340-08TA0375)

2

would be necessary for the POM to enter into the management agreement in a contract with limited duration. In order to meet their obligations under the MSCP, both the City and County management no longer exists and both jurisdictions could be subject to being out of compliance with their MSCP permits.

**B.3**  
(cont'd)

- 3) The second and fourth eligibility criteria also indicate that the POM will only manage the non-Otay Ranch lands to the standards set forth in the Phase II RMP. Each parcel of land to be considered by the POM will have been previously permitted and assigned unique management requirements that may or may not be consistent with the RMP. This criteria will conflict with the project applicant's permit requirements. The Wildlife Agencies believe that for the POM to manage these lands to the standards of the project-specific permits, it should simply be a question of adequate funding. If the project applicant provides sufficient funds to the POM to provide for management under the RMP and any additional requirements, the POM should be able to sufficiently meet those requirements.

**B.4**

- 4) In addition, the second eligibility criterion compounds a problem that already exists for the lands the POM manages in the City. The City's MSCP Subarea Plan provides coverage for the Quino checkerspot butterfly (Quino) and has very specific mitigation requirements for project's that propose to impact Quino. The Wildlife Agencies have already notified the POM that the RMP will have to be amended in order to be consistent with the City's MSCP requirements. An amendment will also have to be processed to include new requirements for Quino once the County completes an amendment to their MSCP permit to add Quino as a covered species under that Plan.

**B.5**

## COMMENTS

## ATTACHMENT C – South Bay Expressway Comment Letter

SBX LTR-08-1142

April 21, 2008

Supervisor Greg Cox  
 Otay Ranch Preserve Owner/Manager Policy Committee  
 County of San Diego  
 1600 Pacific Highway, Room 335  
 San Diego, CA 92101

Jerry Rindone  
 Deputy Mayor  
 City of Chula Vista  
 276 Fourth Avenue  
 Chula Vista, CA 91910

Subject: Acceptance of State Route 125 South Mitigation Lands for Long-Term Management by the Otay Ranch Preserve Owner/Manager (POM)

Dear Supervisor Cox and Deputy Mayor Rindone,

The newest component of the California highway system, State Route (SR) 125 South, is a 11.2-mile-long highway and toll road in the Otay Mesa region of San Diego County that has been developed through a joint partnership between South Bay Expressway, L.P. (SBX) and the California Department of Transportation (Caltrans). As part of mitigation for SR 125 South, SBX and Caltrans have purchased various lands in San Diego County, including the 202-acre Johnson Canyon Preserve (Johnson Canyon; Attachment A). Johnson Canyon is generally located within the boundaries of the Otay Ranch Preserve, as well as the County of San Diego's (County) Multiple Species Conservation Program (MSCP) Hardline Preserve, the City of San Diego's Multi-Habitat Preserve Area (MHPA), and the City of Chula Vista's (City) MSCP Designated Preserve. Interim management for Johnson Canyon is currently being provided by SBX and Caltrans. The wildlife agency-approved Habitat Management Plan (HMP) for Johnson Canyon (EDAW 2003) assumes that because Johnson Canyon is generally within the Otay Ranch Preserve, it will be managed in perpetuity by the POM.

SBX firmly believes the POM is the most appropriate entity to manage Johnson Canyon in perpetuity. POM staff have worked diligently to draft criteria to facilitate acceptance of non-Otay Ranch project mitigation lands under the POM management umbrella. Unfortunately, the acceptance criteria currently drafted would preclude acceptance of Johnson Canyon. In this letter I will identify the key problematic criteria and the reasons to reconsider those criteria so that Johnson Canyon could be accepted into the Otay Ranch Preserve under the long-term management of the POM.

#### Rationale for the POM as the Long-Term Manager for Johnson Canyon

The POM is the ideal entity to manage Johnson Canyon for several reasons. First, SBX and Caltrans purchased Johnson Canyon not only for its biological habitat value but also because of its location within and adjacent to Otay Ranch, the County's MSCP Hardline Preserve, and the City's MSCP Designated Preserve. The intention was to have Johnson Canyon managed in perpetuity by the POM along with the other adjacent lands currently being managed by the POM. Management of Johnson Canyon by the POM as part of the overall Otay Ranch Preserve would be more efficient and effective than managing the land as an isolated island. The wildlife agencies have expressed their support for the acceptance of non-Otay Ranch Preserve project mitigation lands for management by the POM, including Johnson Canyon (refer to the US Fish and Wildlife Service POM policy comment letter received February 28, 2008).



*Put the fun back in driving!*

880 Kuhn Drive, Chula Vista, CA 91914

p. 619.591.4200 • f. 619.591.4291

southbayexpressway.com

C.1

## COMMENTS

## ATTACHMENT C – South Bay Expressway Comment Letter

Second, the existing provisions for long-term management of Johnson Canyon defined by the HMP are very similar to that of the Otay Ranch Phase 2 Resource Management Plan (RMP), with few exceptions. Johnson Canyon has been managed generally consistent with the provisions of the HMP since 2005. Annual surveys have been conducted for target species and baseline data have been collected and documented in annual reports. Data from ongoing spring 2008 surveys will be available later this year. Extensive measures have been also implemented to control trespassing, primarily off-road vehicle use, such as posting of numerous No Trespassing signs, installation of a fence and locking gate on the northern access road, and security patrols. If the POM were to assume long-term management of Johnson Canyon, a valuable baseline data set is already available and access control is well established.

Finally, SR 125 South is a significant component of the City of Chula Vista Adopted General Plan (General Plan) Circulation Element (City of Chula Vista 1990). SR 125 South is a regionally significant piece of transportation infrastructure that supports planned development of the communities within Otay Ranch, consistent with the General Plan. Because SR 125 South made those projects viable, its mitigation lands should be accepted into Otay Ranch Preserve for long-term management by the POM.

**Acceptance Criteria to Be Reconsidered**

Three key draft criteria would preclude acceptance of Johnson Canyon, as well as other non-Otay Ranch project mitigation lands, from management by the POM, specifically:

- The POM will not accept fee title of the subject land or enter into a contract for management in perpetuity.
- Requirements for management and monitoring of the subject land must not be above the standards of the Otay Ranch Phase 2 RMP and associated Long-Term Implementation Plan.
- The subject land must be located within the Otay Ranch Preserve boundary.

The problems associated with Johnson Canyon regarding these three criteria are discussed below.

Fee Title Criterion - Per the wildlife agency permit conditions for SR 125 South, Johnson Canyon must be managed in perpetuity by a long-term preserve manager. If the POM is unwilling to accept fee title and/or enter into a contract that will ensure management of mitigation lands in perpetuity, then acceptance of Johnson Canyon (or any other lands conditioned for management in perpetuity) will be precluded. If the land owner demonstrates adequate funding is available for long-term management, this should be sufficient for acceptance of fee title of the land by the POM. The Biological Opinion for the SR 125 South project requires establishment of an endowment for long-term management of the project's mitigation lands.

**C.2**

Phase 2 RMP Management Criterion - This POM acceptance criterion dictates that accepted lands would not be managed above the standards of the Phase 2 RMP. While most of the Johnson Canyon monitoring and management requirements in the HMP are consistent with the RMP, there are mitigation requirements at Johnson Canyon specific to the Quino checkerspot butterfly (Quino; *Euphydryas editha quino*). This species is currently excluded from the County's MSCP and the Phase 2 RMP. The endowment for Johnson Canyon will consider the costs of long-term management of the Quino as required by the Biological Opinion. If adequate funding is provided via the endowment, then management of the Quino should not be precluded.

**C.3**

Otay Ranch Preserve Boundary Criterion - Finally, Johnson Canyon Preserve consists of four discontinuous parcels (Attachment A). Area 1 is approximately 4 acres and is located just west of the SR 125 South alignment in unincorporated San Diego County. Areas 3 and 4 are contiguous and total approximately 146 acres in the County's jurisdiction. Areas 1, 3, and 4 are within the South County MSCP Hardline Preserve boundaries. Area 2 (the 52-acre vernal pool and Quino habitat restoration site) is largely within City of San Diego jurisdiction and is contiguous with, but not within, MHPA and is therefore not within the Otay Ranch Preserve boundaries. The very eastern portion of Area 2 is within County jurisdiction and within the County's MSCP Hardline Preserve. The POM criterion that land must be located entirely within the Otay Ranch Preserve boundary would exclude the 50+-acre portion of Area 2 that is immediately adjacent to, but not within, the Otay Ranch Preserve boundary.

**C.4**



## COMMENTS

## ATTACHMENT C – South Bay Expressway Comment Letter

from management by the POM. If the POM cannot manage the Area 2 portion of Johnson Canyon, this could result in inconsistent and inefficient management of the overall Johnson Canyon Preserve.

**Suggested Acceptance Criteria**

SBX urges the POM management team and policy committee to reconsider the criteria that have been drafted for acceptance of non-Otay Ranch project mitigation lands. SBX believes that the criteria as they are currently drafted will preclude the acceptance of Johnson Canyon and other non-Otay Ranch project mitigation lands with important regionally important habitat and species, resulting in inconsistent and ineffective management over time.

SBX appreciates your continued effort to develop a set of flexible and feasible criteria that will support the acceptance of regionally important mitigation lands into the Otay Ranch Preserve for long-term management by the POM, including Johnson Canyon. Specifically, we would like the POM to consider:

- accepting fee title for certain lands or entering into a contract that would provide management in perpetuity;
- amending the Phase 2 RMP acceptance criteria to allow acceptance of lands with requirements for long-term Quino habitat management; and
- providing a more flexible criterion to allow acceptance of certain mitigation lands that are contiguous to the Otay Ranch Preserve boundaries.

C.5

C.6

C.7

Thank you for your consideration. Please feel free to contact me if you have any questions at 710-4001.

Sincerely,

**SOUTH BAY EXPRESSWAY, L.P.**

By: California Transportation Ventures, Inc. its general partner

*For*   
Greg Hulsizer  
Chief Executive Officer

Attachment: Attachment A

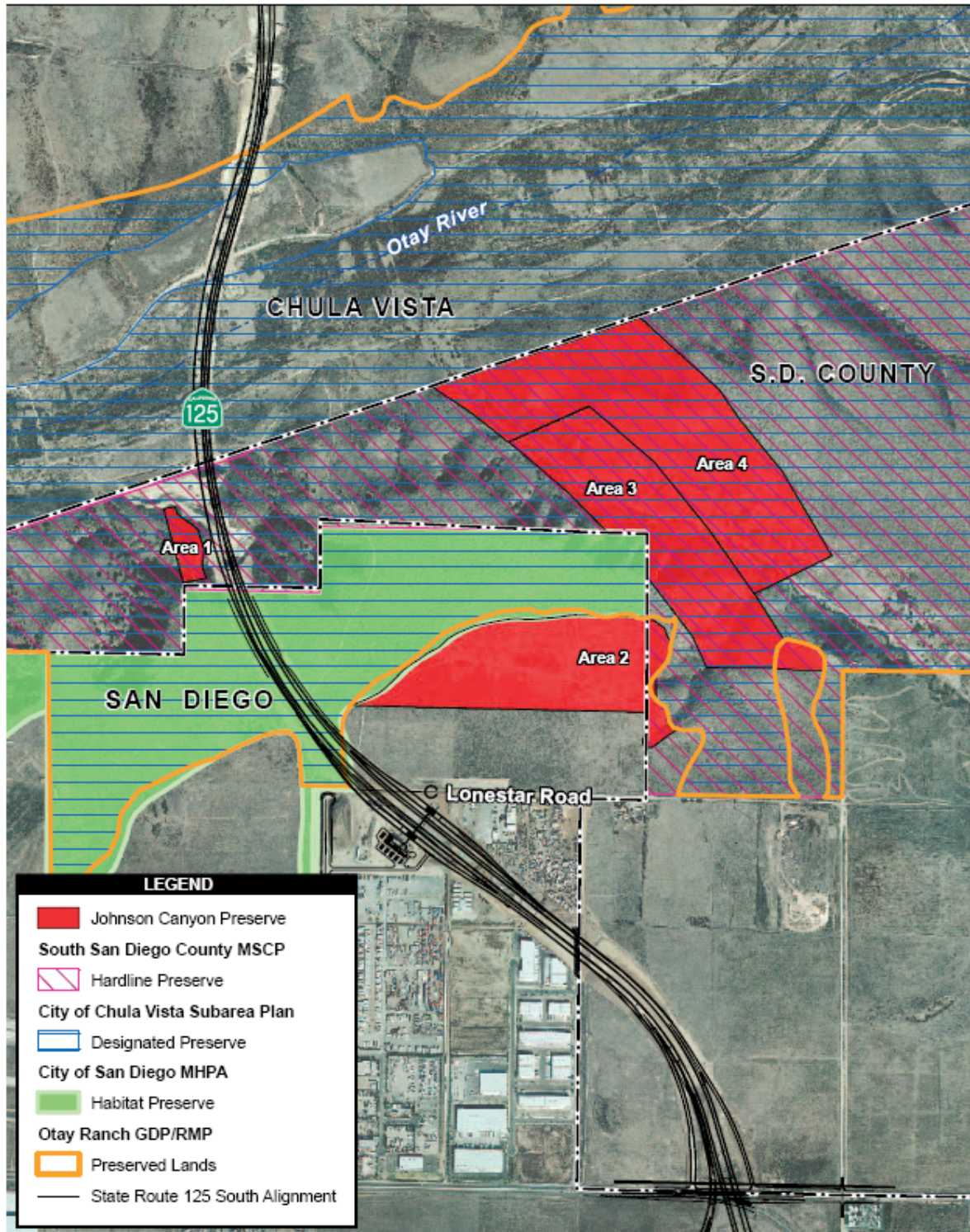
cc: Bruce April, Caltrans  
Jacqueline Dompe, EDAW  
Marissa Lundstedt, City of Chula Vista  
Maeve Hanley, County of San Diego

**Reference**

City of Chula Vista  
1990 General Plan.

EDAW  
2003 Final Habitat Management Plan for the Johnson Canyon Open Space Preserve, San Diego, California. September.

ATTACHMENT C – South Bay Expressway Comment Letter



Source: SanGIS 2007; City of Chula Vista 2007; AirPhotoUSA 2006



Attachment A  
Johnson Canyon Preserve

State Route 125 South

Path: P:\2009\3K413\_1K464 SR125 South\GIS\Mad\MSCP\JohnsonCanyon-Attachment A.mxd, 08/08/07, marnaccini



**NON-OTAY RANCH PROJECT MITIGATION LANDS PROGRAM RESPONSE TO COMMENTS**

**ATTACHMENT D – McMillin Land Development Comment Letter**



**McMillin Land Development**  
A Corky McMillin Company

March 4, 2008

Greg Cox  
Supervisor, First District  
County of San Diego  
1600 Pacific Highway, Room 335  
San Diego, CA 92101

Jerry Rindone  
Deputy Mayor  
City of Chula Vista  
276 Fourth Avenue  
Chula Vista, CA 91910

**RE: POM Policy Committee – Non-Otay Ranch Project Mitigation Lands Program**

Dear POM Policy Committee Members:

We would like to provide our comments and requested revisions to the recently distributed “Non-Otay Ranch Project Mitigation Lands Program, Eligibility and Review Criteria” dated January 9, 2008. This program would allow non-Otay Ranch landowners to dedicate land located within the Otay Ranch Preserve as mitigation for non-Otay Ranch projects.

We support the program and feel that it adds benefit to the POM, the Preserve, and the community. The program adds value to the POM by allowing the POM the ability to acquire the 400 acre shortfall to the Preserve that has been identified by staff. It also gives the POM the ability to fulfill the obligations listed in the City’s and County’s Implementing Agreements.

It benefits the physical Preserve lands in that it limits the number of potential stewards in the area, thus avoiding a checkerboard pattern of stewardship and the inefficiencies of multiple entities performing similar tasks in the same area. It benefits the community in that a qualified land steward (that is acceptable to the Resource Agencies) is identified to protect and manage the natural resources. To date, there is a scarcity of qualified land stewards available to manage these lands. Overall, it is a good program, provides public benefit and we support the policy.



Mailing Address: P.O. Box 85104 • San Diego, CA 92186-5104  
2750 Womble Road • San Diego, CA 92106  
TEL (619) 477-4117 • FAX (619) 794-1604  
[www.mcmillin.com](http://www.mcmillin.com)

## ATTACHMENT D – McMillin Land Development Comment Letter

POM Policy Committee  
 Non-Otay Ranch Project Mitigation Lands Program  
 Page 2

As drafted, the program contains three criteria, which if approved, would jeopardize the successful implementation of the policy. The problematic criteria are summarized below.

- Applicant retains ownership of the land
- POM will manage the land to Otay Ranch Phase 2 Resource Management Plan (RMP 2) and Long-Term Implementation Program standards. Applicant must provide evidence that this management standard is acceptable to Resource Agencies.
- Any legally binding recorded documents must not contain language requiring management and monitoring of the land over an above those required by Phase 2 RMP and Long-Term Implementation Program standards

**Ownership of the Land**

Preserving all 11,375 acres in the Otay Ranch Preserve is the primary goal of the Otay Ranch Resource Management Plan (RMP). The land being considered in the program is a part of the Preserve, and as such it should be eligible for fee simple acceptance by the POM regardless of who is dedicating the land. The County and City's Implementing Agreements (IA) to their MSCP's commit the municipalities to preserve and manage the land in perpetuity.

The County and City of Chula Vista have already agreed to accept ownership of almost 11,000 acres of land which constitutes the vast majority of the Otay Ranch Preserve. The addition of a few hundred acres would seem to be a very minor amount no matter what the concern.

Not accepting the fee simple title leads to multiple ownerships, duplicative and potentially conflicting management efforts, inefficient maintenance and monitoring, more access roads that negatively affect habitat, the proliferation of fences, and a general lack of control by the POM. Multiple stewards may also hamper the POM's ability to manage its own lands.

**D.1****Management Standards**

It is imperative for the criteria to allow for management tasks not explicitly stated in RMP 2 but that may be required by the Resource Agencies. Both in the RMP and RMP 2 there is lengthy discussion regarding the extensive qualifications needed in order to fill the position of the Preserve Owner Manager (POM). The POM has the expertise to manage habitat and sensitive resources in addition to those specific tasks outlined on RMP 2.

RMP 2 provides for different levels and intensity of management depending on where Preserve land is located and the type of resources that are being managed. Populations of sensitive plants will require more monitoring to ensure that they are healthy and not being unduly damaged by human use. Land in the Otay River Valley will require more management due to its proximity to humans than will land in the remote San Ysidro Mountains. Vegetation transects are required to be set up in some areas but not others. Staff is already, or will be, performing a variety of maintenance tasks at different times, and in different locations throughout the 11,375 acre Preserve.

**D.2**

## COMMENTS

## ATTACHMENT D – McMillin Land Development Comment Letter

POM Policy Committee  
 Non-Otay Ranch Project Mitigation Lands Program  
 Page 3

Any costs associated with management of lands within the Otay Ranch Preserve that were dedicated by non-Otay Ranch landowners should be the responsibility of that landowner. These costs would include any additional administrative costs as well as all management tasks. As long as the POM is adequately funded, the level of maintenance should not be a barrier to entry into the program.

**D.2**  
 (cont'd)

**Recorded Documents (i.e., Conservation Easements)**

As a practical matter, the land owners wishing to use this program will typically be required by the Resource Agencies to identify a land steward and provide evidence of maintenance in perpetuity through a recorded Conservation Easement that outlines the responsibilities of the developer and the conservator. Should the POM not be willing to be identified as the conservator in the conservation easement, the program will not serve the needs of the community trying to use it, the policy will not be used, and the goals of the policy will not be met.

**D.3**

As mentioned above, through the City and County's Implementing Agreements, they have committed to preserve and manage the land in perpetuity. Recording conservation easements on the land in the Preserve evidences the POM's ongoing implementation of the Implementing Agreements.

**Suggested Criteria**

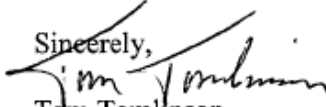
We have prepared a suggested policy and criteria (attached) for your consideration. The attached criteria closely resembles the criteria that was previously discussed at the Preserve Management Team Meeting in September 2007.

**Conclusions**

Based on the discussion above, we are requesting the following.

- Direct staff to revise the Eligibility and Review Criteria to allow the POM to accept fee simple ownership of land
- Direct staff to revise the Eligibility and Review Criteria to allow differing management tasks, as long as necessary funding is provided
- Direct staff to revise the Eligibility and Review Criteria to allow the POM to be recognized as the land steward/conservator in any recorded documents
- Consider the suggested criteria attached

Sincerely,

  
 Tom Tomlinson  
 Vice President

cc: ✓ Chandra Wallar – Deputy Chief Administrative Officer, County of San Diego  
 Scott Tulloch – Assistant City Manager, City of Chula Vista



COMMENTS

ATTACHMENT D – McMillin Land Development Comment Letter

Policy 1: Dedication of Otay Ranch Preserve Lands by Non-Otay Ranch Landowners

The main goal of the Otay Ranch GDP and RMP is the creation of the Otay Ranch Preserve. It is the policy of this Policy Committee that land in the Otay Ranch Preserve may be transferred in fee title from non-Otay Ranch landowners to the POM, and will be managed by the POM provided the following conditions are met:

**D.4**

- A cost analysis must be provided that includes management and monitoring tasks. The budget must be acceptable to the POM, and will be based on the existing costs being experienced by the POM. The cost analysis will be in the form of a Property Analysis Record (PAR) or other acceptable accounting method.
- The landowner must establish a mechanism that will provide the necessary money as indicated by the cost estimate. This may be through annexation to an existing or creation of a new Community Facility District, or other mechanism acceptable to the POM.
- The land should be contiguous to other future or currently dedicated Otay Ranch Preserve lands.
- The POM must be provided with adequate access to the property being dedicated.
- All USFWS and/or CDFG permit requirements (i.e. short-term mitigation requirements, success criteria, etc.) must be satisfied prior to transfer of lands to the POM. The developer or other entity requesting management of such lands shall provide the POM with a release of such requirements from CDFG and/or USFWS.

**D.5**

**D.6**

**D.7**

Proposed dedications of land within the Otay Ranch Preserve by non-Otay Ranch landowners that meet these conditions shall be accepted by staff and reported annually to the POM. In the event that there is a dispute between the landowner and staff, the issue will be scheduled for discussion and resolution by the Preserve Management Team at their regularly scheduled meeting. In the event that the Preserve Management Team does not resolve the issue, the issue will be scheduled for discussion and resolution at the next regularly scheduled Policy Committee meeting.

**D.8**



*Promoting Chula Vista's future by preserving its past.*

April 16, 2008

Otay Ranch Preserve Owner/Manager Policy Committee  
Greg Cox, 1<sup>st</sup> District Supervisor  
County of San Diego  
5201 Ruffin Road, Suite N  
San Diego, CA 92123-1600

Jerry Rindone  
Vice Mayor  
City of Chula Vista  
276 Fourth Avenue  
Chula Vista, CA 91910

**Subject: Non-Otay Ranch Mitigation Program**

Dear Committee Members:

In the various meeting on the above subject there seems to be broad consensus that the POM should be managing lands in the Otay Ranch Preserve. We applaud and encourage the POM in its effort to develop guidelines to accept management of lands that mitigate impacts outside of the Otay Ranch. It is our observation the POM is the logical and appropriate manager of lands in the Otay Ranch Preserve.

It is our opinion that as written, the program is not viable and will not be effective in its purpose. To make the program viable we believe the following changes are necessary:

1. Management of the Lands in Perpetuity: As was pointed out by Susan Wynn at recent POM Meetings, projects must provide mitigation in perpetuity. It is unreasonable for an applicant to provide for management of mitigation lands for a finite period of time, nor for the resource agencies to accept same. Furthermore, the project proponent is transient in comparison with government and quasi-government agencies such as the POM. There is no assurance that the project proponent will even exist at the renewal date, especially in these economic times.

E.1

Otay Ranch Preserve Owner/Manager Policy Committee  
April 16, 2008  
Page 2 of 2

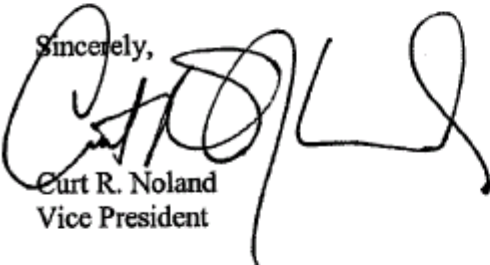
2. Acceptance of the Lands in Fee: It follows from the above point that the POM and the project proponent must develop a funding mechanism that is self-perpetuating. In addition, the POM needs to assume fee title to the mitigation land.
3. Standardized Management Criteria: The program as drafted limits the scope of management to RMP-2 standards. Although broad, the RMP2 standards may not cover all of the management requirements for certain specialized resources. Because of the sophistication of the POM, as long as the applicant adequately covers the cost of management this should not be a limitation on accepted lands.

E.2

E.3

Thank you for your consideration of the above recommendations and we look forward to continued progress on this program to a reasonable result for all stake holders.

Sincerely,

  
Curt R. Noland  
Vice President

Cc Cheryl Goddard, County of San Diego  
Marisa Lundstedt, City of Chula Vista  
Tom Tomlinson, McMillin  
Ranny Hunter, Otay Ranch Company  
Bob Penner, HomeFed Corporation

## Estimated POM Budget FY 07-08

Task	Projected Expenditures
Consultant CFD administration	\$15,000
City Staff	
Environmental Manager	\$25,000
Engineering	\$15,000
Counsel	\$5,000
County Staff	
Environmental Planner	\$40,000
Group Program Manager	\$5,000
Counsel	\$5,000
General Services	\$3,000
Preserve Operation and Maintenance	
County Seasonal Park Ranger*	\$39,000
Preserve Maintenance	
Weed Removal**	\$0
Trash Removal	\$2,000
Security	
Enforcement***	
Fence Maintenance	\$3,000
Preserve Improvements	
Signs	\$3,000
Fence Installation	\$30,000
Resource Monitoring Program	
Biological Resources Surveys	\$75,000
Cultural Resources Surveys	\$35,000
<b>Total</b>	<b>\$300,000</b>

\*Cost estimate is for one seasonal ranger only.  
 Expect to increase to two seasonal rangers in  
 FY08/09

\*\*An assessment for weed removal needs will  
 be conducted during the biological surveys

\*\*\*Included in Staff Time



**OTAY RANCH PRESERVE OWNER/MANAGER (POM)  
POLICY COMMITTEE MEETING**

1800 Maxwell Road, Lunch Room  
Chula Vista, CA 91911  
July 17, 2008  
2:00 – 5:00pm

**DRAFT AGENDA**

- I. Call to Order**
- II. Approval of POM Policy Committee Meeting Minutes of April 30, 2008**
- III. Public Comment on items not related to Agenda**
- IV. Status Reports**
  - A. Projects** (*LeAnn Carmichael, Marisa Lundstedt*)
    - 1. County of San Diego**
      - a. Board Policy I-109 Otay Ranch Implementation Document Amendment - Adoption of Phase 2 RMP and Preserve Boundary Modifications (*initiated by the County of San Diego*)
      - b. Village 13 (*initiated by Otay Ranch Company*)
      - c. Wolf Canyon Vacation/Substitution (*initiated by Otay Ranch Company*)
    - 2. City of Chula Vista**
      - a. Championship Off-Road Racing (CORR) (*initiated by XR Promotions, LLC*)
      - b. Wolf Canyon Vacation/Substitution (*initiated by Otay Ranch Company*)
      - c. University Agreements
    - 3. County of San Diego and City of Chula Vista**
      - a. Eastern OVRP Trails Coordination
  - B. Preserve Status** (*Cheryl Goddard, Marisa Lundstedt*)
    - 1. Updates on Pending Conveyances**
- V. Policy Decision Issues** (*Cheryl Goddard, Marisa Lundstedt*)
  - A. Future Infrastructure**
  - B. Non-Otay Ranch Project Mitigation Land Program**
- VI. Long-Term Implementation Program** (*Cheryl Goddard, Marisa Lundstedt*)
- VII. Finance** (*Marisa Lundstedt*)
- VIII. Next Policy Committee Meeting**
  - A.** October 30<sup>th</sup> from 2:00-5:00pm. Location: County Administration Center, Tower 7
- IX. Adjournment**